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A MANUAL,
CONTAINING A SHORT SUMMARY OF THE USUAL PRACTICE
AND
MANNER OF PROCEEDING
IN ORDINARY CASES COMING UNDER THE OBSERVATION OF
JUSTICES OF THE PEACE
CORONERS, CONSTABLES, LANDLORDS,
BAILIFFS, &c.

AND ALSO CONTAINING A LARGE AMOUNT OF USEFUL INFORMATION
FOR FARMERS, MECHANICS BUSINESS MEN, AND
THE PUBLIC GENERALLY.

BY
EDWARD NORMAN LEWIS,
OF OSGOODE HALL, BARRISTER-AT-LAW.

CARSWELL & COMPANY,
TORONTO AND EDINBURGH,
1884.

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Toronto,

We have carefully revised the legal "Manual" compiled by Edward Norman Lewis, of Osgoode Hall, Barrister at Law, and we hereby recommend the same as one likely to be of great benefit to Justices, Coroners, Constables, and the public generally

ISAAC F. TOMS,
Judge Co. Huron.

B. L. DOYLE,
Junior Judge Huron.

PETER ADAMSON,
J. P., Co. Clerk Huron.

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FORMS.

LIST OF FORMS GENERALLY REQUIRED BY JUSTICES OF THE PEACE.

Information
Warrant for defendant.
Summons for defendant.
Summons for witness.
Statement of the accused.
Depositions of witnesses.
Conviction with distress.
 " without distress.
Order for payment of money.
Warrant of commitment for trial.
 " " for a penalty.
 " distress.
 " commitment want of distress.
Recognizancee to appear before J. P.
Recognizancee of bail.
Information for search warrant.
Search warrant.
Information for articles of the peace.
Commitment, want of sureties.
Recognizance to prosecute.
 " give evidence.
Warrant summons disobeyed.
 " of remand.
 " to apprehend for sureties of the peace.
Certificate of dismissal.

CONSTABLES.

Blank forms for government accounts.
 " " county "
List of county constables.

The above Forms will be supplied on application to the Clerk of the Peace.

ADDENDA.

Omitted in page 32 :

"BELLS—*Driving sleigh without.* See Rev. Stat. Ont. Chap. 183, page 1943."

"BRIDGES—*Travelling over.* See Rev. Stat. Ont. Chap. 183, page 1943.

Omitted in page 48 :

"HIGHWAYS—*Half-road rule, &c., Travelling on, &c.* See Rev. Stat. Ont. Chap. 183, page 1943.

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A MANUAL

FOR THE USE OF

JUSTICES OF THE PEACE, CORONERS, CONSTABLES, LANDLORDS,
BAILIFFS, &c.

CHAPTER I.

JUSTICES OF THE PEACE ARE EITHER APPOINTED BY THE LIEUTENANT-GOVERNOR UNDER COMMISSION BEARING THE GREAT SEAL OF THE PROVINCE (*see Revised Statutes of Ontario, Chap. 71*), OR ARE SUCH JUSTICES MERELY ON ACCOUNT OF HOLDING SOME OTHER OFFICE.

The head of every Council, the Police Magistrate of every city and town, the Reeve of every town, township and incorporated village shall ex-officio be Justices of the Peace for the county, or union of counties, in which their respective municipalities are; Aldermen of cities are also Justices of the Peace in and for such cities.

The mere appointment as Justice will not authorize any person to act until he has duly qualified as such Justice.

Justices of the Peace who are such by virtue of holding some other office do not require to take any oaths, etc., to enable them to act as such Justice, provided they are properly qualified for such other office as aforesaid.

Justices of the Peace appointed under commission require to have an interest in land in their actual possession to the value of \$1,200, and should take the oaths of qualification, office and allegiance before entering on their duties, which oaths should be filed in the office of the Clerk of the Peace (a).

(a) Blank oaths properly drawn up will be supplied by the Clerk of the Peace on application and sworn to before him or a Justice.

The Dominion and Ontario Statutes will also be supplied to Justices on application to the Clerk of the Peace.

No list of forms or copies of same will be given herein, as Justices will be supplied free with all necessary forms, blanks, etc., on application to the Clerk of the Peace.

The authority of Justices of the Peace is generally limited to the county or place for which they are appointed, and while they are within such county or place.

In cases of crimes committed in another county or out of the Province Justices may have jurisdiction if the offender comes within their county.

Offences within the authority of a Justice may be divided into two classes:—those which he is obliged to send to a higher court for trial, and those over which he has summary jurisdiction.

A short summary of his usual duties in the former class wherein he acts ministerially will be given first :

INDICTABLE OFFENCES.

The Justice having received information under oath that some person has committed, or is suspected to have committed any treason, felony, or indictable misdemeanor or offence within his jurisdiction, or that some person guilty or suspected to be guilty, of having committed such crime or offence elsewhere, is residing or being, or is suspected to reside or be within his jurisdiction (which information shall state the name or description of the offender, the nature of the offence, the person against whom and the time when (or as near as possible) and the place where the offence was perpetrated) may issue his warrant to apprehend said offender or offenders, (which warrant shall state shortly the offence, and the name or description of the offender and is directed to all or any constable or other peace officer of his county, directing them to apprehend the said offender and bring him before the said or some other Justice of such county, to be dealt with according to law.)

It is generally advisable in indictable misdemeanors to first issue a warrant, but if from the circumstances of the case the position of the parties, etc., the Justice thinks the offender will attend he may issue a summons requiring the offender to appear before him at a reasonable time thereafter. In felonies a warrant must always be issued.

In case the offender does not appear at the time mentioned in the summons the Justice shall issue his warrant for such offender. He may however issue it before the time mentioned in the summons, if

he has reasonable cause to suspect the offender is going to leave the place or there is other good reasons for doing so.

In case the offender is brought before the Justice under a warrant and the witnesses for the prosecution are not present he shall adjourn the case until such time as he can bring such witnesses before him by issuing his summons for them.

Where a summons is first issued for the offender it is generally customary to issue a summons for the witnesses for the prosecution at the same time.

All summonses are directed to the party desired, and should state shortly the offence charged and require the parties to whom they are directed to be and appear at a certain time and place mentioned.

The offender having appeared or been brought before the Justice and the witnesses for the prosecution being present the constable attending announces the opening of the court and calls for order.

The information is first read over to the accused, but Justices must bear in mind that this is merely for the purpose of showing the accused what he is charged with, and that they have no power to ask the accused whether he is "Guilty" or "Not Guilty" until one witness at least has been examined and the warning hereinafter mentioned has been given to the accused. The evidence of the witnesses for the prosecution is then taken down in writing as near as possible in the words of the witness, the following oath having been first administered by the Justice or presiding Justice if there are more than one present.

OATH.

The evidence you shall give touching this information wherein
is informant, and is defendant,
shall be the truth, the whole truth and nothing but the truth, so help you
God.

After the evidence of a witness has been taken down in writing it should be read over to him and then signed by himself and the Justice or Justices, who shall write (Sworn before me (or us) this day of 188 .) before his or their names.

The evidence must be taken in presence of the accused, and he must have an opportunity to ask the witnesses any questions he may think necessary.

After all the witnesses have been heard the Justice shall without requiring the presence of the witnesses read or cause to be read

to the accused the depositions taken and then warn him in the following words: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, whatever you say will be taken down in writing, and may be given in evidence against you upon your trial."

The Justice shall also inform the prisoner before he makes any statement "That he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of guilt, but that whatever he then says may be given in evidence against him upon his trial, notwithstanding such promise or threat.

Whatever the accused then says shall be taken down in writing, and signed by the Justice or Justices.

The witnesses only for the prosecution are to be examined in indictable offences. (a)

When the Justice has knowledge that the accused is going to plead guilty, he should first take the evidence of one or two of the most material witnesses for the prosecution before taking the statement of the accused.

The room or building in which the examination is held is not to be deemed an open court for that purpose, and it is in the discretion of the court to keep out all whom they think proper, if it appears that the ends of justice will be best answered by doing so.

It is generally the practice to allow all orderly persons admittance, but in all cases of an immoral tendency such as Rape, Indecent Assault, Bestiality, &c., &c., Justices should take the examination as privately as possible. In many cases it is desirable for the court to order the witnesses on both sides to leave the room, and power is even given to cause the withdrawal of the counsel or attorney for the accused. The counsel or attorney for the crown must of course be admitted to attend and examine the witnesses and advise the Justices.

If from the absence of witnesses or other reasonable cause it becomes necessary or advisable to defer the examination from time to time a Justice may remand by warrant in writing to the common

(a) A statute is now under discussion in the House of Commons making a material change in the law.

jail for not exceeding eight clear days, or may verbally remand to the lock-up of the Municipality or the custody of the constable, for any period not over three clear days; and at the end of such time the Justice may again remand if necessary.

If necessary the Justice may order the accused to be brought before him before the expiration of the time mentioned in the remand.

At the close of the examination the Justices may give their judgment or defer same if advisable, for the purpose of getting the advice of the crown attorney in the matter, and may remand the prisoner in the meantime. In place of remanding the prisoner during the course of the trial the Justice may in his discretion allow him out on bail either with or without sureties; but unless it is a very doubtful or trivial case or the best of bail can be given it is not advisable to do so.

The Justices must either dismiss the charge, or commit, or bail the accused for trial, if they adjudicate upon the matter. There is an old rule of law that prisoners should receive the benefit of every doubt, but this does not apply to examinations before Justices of the Peace who should always remember in indictable cases that they are not trying the prisoner, but merely holding an examination to see if there is enough evidence to warrant his being put to the inconvenience of a trial. If they consider that, though there is not a clear case against the accused, but at the same time, they are in doubt, as to his being entirely innocent of the charge laid against him they should bail him for trial.

In committing or bailing a prisoner for trial it should always be to the next court of competent jurisdiction.

AS REGARDS BAILING FOR TRIAL.

In cases of Treason, Felony punishable with death, and Felonies under the act for the better protection of the Crown and Government, Justices cannot grant bail.

In all other Felonies two Justices are required to bail, and bail should not be granted except in cases where only a slight presumption of guilt is raised.

In misdemeanor Justices are obliged to take bail if sufficient is offered. The amount required and the number of sureties is wholly

in the discretion of the Justices, and should be such as to insure the appearance of the person charged at the time and place required.

The Justice or Justices may require the proposed bail to swear upon oath before him or them, as to the sufficiency of their property.

General practice is to take the prisoner's own recognizance in the sum of two, four, six, or eight hundred dollars or more, as the nature of the case may require, and two sureties each in the sum of half the amount of the principal's bail.

In case the accused cannot give proper bail the only course is for the Justice to commit for trial. In cases of misdemeanor the committing Justice may admit to bail even after committed, if proper bail is offered at any time before the first day of the court at which he is to be tried, or else certify on the back of the warrant of commitment the amount of bail required, in which case any other Justice of the Peace for the County may grant bail. But where the prisoner has been committed, it is the practice for him to apply to the County or Superior Court Judge for an order allowing him to be admitted to bail, on entering into a recognizance with sufficient sureties, before any two Justices in such amount as the Judge directs, and this being done the said Justices shall issue their warrant of deliverance to the gaoler having charge of the accused, and attach thereto the order of the Judge directing bail to be taken.

In cases where Justices commit or bail for trial, they should bind the prosecutor and witnesses for the prosecution *before they leave the court* to appear at the next court of competent jurisdiction to give evidence against the accused. Justices have no power to compel witnesses to give other than their own recognizances to appear, except in the cases of married women and infants.

But if the prosecutor or witnesses refuse to be bound, the Justice may commit them to jail until after the trial of the accused party, unless in the meantime they duly enter into a proper recognizance before some one Justice of the Peace for such county.

The notices at the bottom of all recognizances shall be filled up and signed by the Justice, or Justices, and given to the persons bound.

In case any witness summoned, neglects or refuses to appear at the time and place appointed by the summons, and no just excuse be offered for such neglect or refusal, (after proof upon oath or affirmation of the summons having been served upon such person, either

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personally, or left with some person for him at his last or usual place of abode) the Justice may issue a warrant for such witness.

If the Justice is satisfied by evidence upon oath, that it is probable the person will not attend to give evidence unless compelled so to do, he may issue his warrant in the first instance for such witness.

If a witness refuses to be examined upon oath or affirmation concerning the case in question, or refuses to take such oath or affirmation, or having taken such oath or affirmation refuses to answer the questions concerning the premises then put to him, without giving any just excuse for such refusal, the Justice may commit such person to the common jail for any time not exceeding ten days, unless he in the meantime consents to be examined, and to answer concerning the case in question. Unless otherwise directed by statute in any particular case or class of cases, one Justice has power to act in all matters coming before him, but if more than one be present, they must be present, and acting together during the whole of the case, and the judgment must be according to the opinion of the majority. In case there is an even number of Justices present and there is a tie vote, the Justices should adjourn the case till a future day, and if they can then come to no agreement as to judgment, the case should be entirely tried over, when other Justices may be present or further evidence heard.

If no adjournment of a case is made or judgment given, a new information may be laid and the case begun anew.

Judgment once given can only be altered during the same sitting.

The chairman or presiding Justice has not a double or casting vote.

In case a Justice is in any doubt as to how he should act, he should adjourn the case, and ask for the advice of the County Crown Attorney of his county, whose duty it is to advise Justices concerning any criminal cases, when requested in writing so to do.

In all important cases coming before any Justice, the Crown Attorney should either personally attend on same, or else see that the interest of the Crown are looked after in the matter.

In very heinous offences Justices should report the matter to the Crown Attorney, and ask for his attendance at the examination.

In matters of a civil nature such as Master and Servant, License Cases, Breach of By-laws, &c., &c., the Crown Attorney is not

authorized by statute officially to advise, and any party interested, must seek advice at his own expense, but he can apply to the Crown Attorney as well as to any other lawyer.

The Crown Attorney cannot act in the defence of persons charged with criminal offences, in all other matters he can practice as fully as any other member of the profession.

All the papers in indictable proceedings should be sent *without delay* to the Crown Attorney immediately after the conclusion thereof.

Justices of the Peace should refrain from taking part in any matter in which they individually have a personal interest; however small, as if any one of the Justices be interested, it will invalidate the decision of all.

As to keeping order in a Justice court, see contempt.

FORM OF

WARRANT OF COMMITMENT.

Canada, Province of Ontario,
County of Huron, to wit:

To all or any of the Constables and other Peace Officers in the *County of Huron* and to the Keeper of the Common Gaol of the said County at *Goderich* in the said County of *Huron*.

Whereas, *John Brown* was this day adjudged to be committed to stand his trial on a charge of having on the 20th day of August last past, at the Village of *Gorrie*, in the County aforesaid, feloniously stolen, taken, and carried away one coat the property of *Alexander Treegraham*, against the form of the statute in such case made and provided.

These are therefore to command you, the said Constables or Peace Officers to take the said *John Brown*, and him safely to convey to the Common Gaol at *Goderich* aforesaid, and there deliver him to the said Keeper, together with this Precept.

And I do hereby command you, the said Keeper of the said Common Gaol, to receive the said *John Brown*, into your custody in the said Common Gaol, there to be imprisoned and kept in safe custody until delivered by due course of law, and for so doing this shall be your sufficient warrant.

Given under my hand and seal this 17th day of }
September, in the year of our Lord 1882, at *Gorrie*, } ABRAHAM JACKSON.
in the said County of *Huron* aforesaid. } Seal.

GAOLER'S RECEIPT TO CONSTABLE.

I hereby certify, that I have received from *Stephen Ketchem*, a Constable of the County of *Huron*, the body of *John Brown*, together with a warrant under the hand and seal of *Abraham Jackson*, Esquire, one of Her Majesty's Justices of the Peace for the said County of *Huron*, and that the said *John Brown* was sober and orderly at the time he was delivered into my custody.

Keeper of the Common Gaol of the said County.

FORM OF

WARRANT OF COMMITMENT.

Canada, Province of Ontario,
County of Huron, to wit :

To all or any of the Constables and other Peace Officers in the County of *Huron* and to the Keeper of the Common Gaol of the said County at *Goderich* in the said County of *Huron*.

Whereas, *James Jones* was this day adjudged to be committed to stand his trial on a charge of having on or about the 14th day of September last past, at the Town of *Exeter*, unlawfully and maliciously committed an assault on *George Oxford* to the great damage of the said *George Oxford*, against the form of the statute in such case made and provided and against the peace of our Lady the Queen, Her Crown and Dignity.

These are therefore to command you, the said Constables or Peace Officers, or any of you, to take the said *James Jones* and him safely to convey to the Common Gaol at *Goderich* aforesaid, and there deliver him to the said Keeper, together with this Precept.

And I do hereby command you, the said Keeper of the said Common Gaol, to receive the said *James Jones* into your custody in the said Common Gaol, there to be imprisoned and kept in safe custody until delivered by due course of law, and for so doing this shall be your sufficient warrant.

Given under my hand and seal this 17th day of }
September, in the year of our Lord, 1882, at *Gorrie*, } ABRAHAM JACKSON.
in the said County of *Huron* aforesaid. } Seal.

GAOLER'S RECEIPT TO CONSTABLE.

I hereby certify, that I have received from *Stephen Ketchem*, a Constable of the County of *Huron* the body of *James Jones* together with a warrant under the hand and seal of *Abraham Jackson*, Esquire, one of Her Majesty's Justices of the Peace for the said County of *Huron* and the said *James Jones* was sober and in good order at the time he was delivered into my custody.

Keeper of the Common Gaol of the said County.

CHAPTER II.

SUMMARY CONVICTIONS.

We now come to the second class of cases, namely, those over which a Justice has summary jurisdiction and in which he acts judicially.

The procedure in summary cases up to a certain stage is almost similar to that in indictable offences.

The general practice is to issue a summons in the first instance, but if from the circumstance of the case, &c., the Justice considers it advisable he may issue his warrant in the first instance.

Where a warrant is issued in the first instance a copy of it must be served on the defendant.

In summary cases the Justice tries the case and decides same.

Where no time is specially limited for laying the information or complaint, it must be laid within three months from the time when the matter of the information or complaint arose.

The word "month" means calendar month.

Every information or complaint may be laid or made by the complainant or informant in person, or by his counsel or attorney or other person authorized in that behalf, unless otherwise directed by statute in any particular case, and if no prosecutor is described in the statute then *any person may lay the information*.

Not necessary that the Justice who issues the summons should also hear and determine the matter.

Where two Justices are required they must be present and acting together during *the whole of the hearing and determination of the case* and when a case has been partly heard, and it is advisable that another Justice or Justices should sit on the case, the evidence must be all taken over again in due form, as reading the evidence already taken, will not suffice.

The information should contain the name, address and occupation of the informer; the date and place of taking same, and description of the Justice taking it, the name of the accused, or a full description if the name is unknown, and the charge must be set out in such dis-

distinct terms that the accused may know exactly what he has to answer, the nearer the exact words of the statute are followed, the better.

An information against one person will not justify the issue of a warrant against another.

An information charging an offence in the alternative, is bad.

Where two or more persons commit an offence the information may be jointly laid against them, but where a penalty is imposed on each, there must be a separate conviction for each.

Where each joint offender is adjudged to pay a sum equal to the value of the property, the party aggrieved shall only receive the value of such property, and the balance shall be applied as other penalties are directed to be applied.

Where the information or complaint is laid, the actual presence of the defendant is all that is required to give the Justice jurisdiction whether he is summoned, or appears on warrant or appears voluntarily.

Every information or complaint must be for one offence only.

If the case is for a second offence the first conviction should be mentioned.

Every objection to an information for any defect apparent on the face thereof, must be taken when the information is first read to the defendant. If not taken it will be held to be waived, and if taken the Justice may cause the information to be amended.

The name of the complainant must appear in some form or other on the face of the conviction, and the offence must be stated with certainty.

A conviction should not be in the alternative.

A conviction under a By-law should mention the By-law and by what Municipality passed.

If possible the facts themselves must be stated in a conviction ; for instance, in a conviction for bad language, the words used should be set out.

All wrongs are several as well as joint, therefore, one partner may be convicted of an offence committed by the firm.

A Justice can draw and file a new conviction in place of the first one filed, if the first has not been quashed, and he can also make out

and substitute a new warrant of commitment for the one already given, provided it has not been declared bad and the prisoner released.

A copy of a minute of an order must be served on the defendant before a warrant of commitment or distress is issued.

A conviction with costs should show to whom the costs are to be paid.

Where a statute require the issue of a warrant of distress before a warrant of commitment the same must be done.

Wherever it appears to a Justice that the issuing of a warrant of distress would be ruinous to the defendant and his family, or that he hath no goods or chattels whereon to lay such distress, then such Justice if he deems it fit may issue a warrant of commitment for such period as allowed by statute.

Where a defendant is convicted at one time for several offences the Justice may adjudge the terms of imprisonment to run concurrent, or one after the other. In cases where two Justices are required, one Justice may take the information, grant the summons or warrant, and do all other acts and matters necessary preliminary to the hearing, and after a case has been heard and determined, one Justice may issue all warrants of distress or commitment thereon. A summons shall be directed to the party charged and shall state shortly the charge in the information, and shall require the party to whom it is directed to be and appear at a certain time and place therein mentioned, to appear before the Justice who issues the summons, or some other Justice of the county, as may be then there to answer the charge, and be further dealt with according to law. If the defendant does not appear at the time or place appointed, and the Justice is satisfied upon oath of the constable or other person who served the summons, that the same was duly served at a reasonable time before, he may proceed to hear and determine the case in the absence of such defendant. Justices should not proceed *ex parte*, unless the summons has been personally served, or they believe that the defendant has left the country for good or is intentionally keeping out of the way.

Every warrant of arrest shall be signed and sealed by the Justice, and may be directed to all or any of the Constables or other Peace Officers of the county, and shall state shortly the offence on which it is founded, and shall name, or otherwise describe the offender, and order the person or persons to whom directed, to arrest the offender,

and bring him before the Justices issuing, or any other Justices in the same county, to answer the charge, and be further dwelt with according to law.

Any warrant, search warrant, or otherwise, may be issued on a Sunday as well as on any other day.

A general search warrant to search all suspected places is illegal on every face of it.

Justice should not grant a search warrant unless on oath of a felony committed, and that the party complaining hath probable cause to suspect that the articles to be searched for, are in a certain house or place, and gives his reasons for such suspicion

These warrants are judicial acts and must be granted upon examination of facts.

Search on bare suspicion should be made in day time, but when proof is more than a probable suspicion, search may be made in the night time.

A search warrant should command that stolen goods found, together with the party in whose custody they are found, be brought before Justice of the Peace issuing the warrant, or some other Justice of the same county.

A conviction must be signed and sealed by the Justice. The date should be in writing in full, not in figures. The name, residence and occupation of each defendant must be given, also the number of the Justices convicting, and the name of the complainant should appear on it, and the county must be given. The statement of the offence should contain the time and place where committed, as near as possible the name of the offender in full, the nature of the offence, and the name in full of the party on whom, or against whom it was committed, the penalty which must not be in the alternative. The statute or By-law, etc., under which the Justice acts should also be given.

In stating the offences it is generally advisable to follow the words of the statute or By-law regarding same, and mention the exact act done, or said, if possible.

Where more than one defendant is included in one information, but each is convicted separately or is to undergo or forfeit a separate

penalty, a conviction should be made out for each. All documents given by a magistrate in writing, requiring or ordering anything to be done, should be sealed. Sealing wax is not now required, and anything stuck on to the original paper with the intention of sealing same, will answer such purpose. For example another piece of paper.

FORM OF
INFORMATION.

Canada, Province of Ontario,
County of Huron, to wit :

The information and complaint of *Thomas Jones, of the township of Grey, in the county aforesaid*, taken this *twenty-fourth day of August*, in the year of our Lord one thousand eight hundred and eighty-two, before the undersigned, one of Her Majesty's Justices of the Peace, in and for the said county who saith that *John Alexander Brown, was on or about the twentieth day of August, 1882, drunk and disorderly on the public streets and highways of the said township of Grey, contrary to the provision of By-law No. 8, for the said township of Grey.*

(Signed) THOMAS JONES.

Sworn before me the day and year }
first above mentioned at *Grey*, } ABRAHAM MOFFAT, J. P.

FORM OF
SUMMONS TO DEFENDANT.

Canada, Province of Ontario,
County of Huron, To wit,

To *John Alexander Brown* ; Whereas, complaint hath this day been made before the undersigned, one of Her Majesty's Justices of the Peace in and for the County of Huron, for that you the said *John Alexander Brown, was on or about the 20th day of August, 1882, drunk and disorderly on the public streets and highways of the township of Grey, in the county of Huron, aforesaid.* These are therefore to command you in Her Majesty's Name, to be and appear on *Thursday, the 20th of August, 1882, at 10 o'clock in the forenoon, at my house, lot 23, con. 9, in the said township*, before me, or such Justices of the Peace for the said county of Huron, as may then be there, to answer to the said complaint, and to be further dealt with according to law.

Given under my hand and seal, at my house, in the }
Township of *Grey*, in the said County of Huron, this } ABRAHAM MOFFAT.
24th day of *August*, A. D. 1882. } [Seal.]

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FORM OF
CONVICTION FOR A PENALTY—WITH DISTRESS.

UNDER A BY-LAW, FILLED UP IN A FICTITIOUS CASE.

Canada, Province of Ontario,
County of Huron, to wit:

Be it remembered that on the *twenty-fourth day of August* in the year of our Lord, 1882, at the township of *Grey*, in the said county of Huron, *John Alexander Brown* is convicted before the undersigned one of Her Majesty's Justices of the Peace for the said county of Huron, for that he the said *John Alexander Brown* was on or about the *twentieth day of August*, eighteen hundred and eighty-two, drunk and disorderly on the public streets and highways of the said township of *Grey*, county of Huron aforesaid, contrary to a certain By-law of the said municipality of the township of *Grey*, passed on the 4th day of March, A.D., 1882, and intituled By-law number 8, for the said township of *Grey*, and I adjudge the said *John Alexander Brown*, for his said offence, to forfeit and pay the sum of *two dollars* to be paid and applied according to Law, and also to pay the said *Thomas Jones* the sum of *three dollars* for his costs in this behalf; and if the several sums be not paid forthwith, (on or before the day of) I do order that the same be levied by distress and sale of goods and chattels of the said *John Alexander Brown*, and in default of sufficient distress I adjudge the said *John Alexander Brown* to be imprisoned in the Common Gaol of the said county, at *Goderich*, in the said county of Huron, for the space of *ten days*, there to be kept at hard labour, unless the several sums, and all costs and charges of the said distress (and of the commitment and conveying of the said *John Alexander Brown* to the said Gaol) shall be sooner paid.

township of *Grey*,
ust, in the year of
e the undersigned,
e said county who
eth day of *August*,
e of the said town-
the said township of

THOMAS JONES.
AT, J. P.

Given under my hand and seal, the day and }
year first above mentioned, at the Township of } ABRAHAM MOFFATT, J. P.
Grey, in the county aforesaid. } [Seal.]

FORM OF

WARRANT OF COMMITMENT UPON A CONVICTION FOR A
PENALTY IN THE FIRST INSTANCE.

Canada, Province of Ontario,
County of Huron, to wit:

To all or any of the Constables or other Peace Officers in the county of Huron, and to the Keeper of the Common Gaol of the said county of Huron, at *Goderich*, in the said county of Huron

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ABRAHAM MOFFATT.

[Seal.]

Whereas, *Archibald Douglas*, laborer, late of the village of *Blyth*, county aforesaid, was on this day convicted before the undersigned *Joseph Scott*, one of Her Majesty's Justices of the Peace in and for the said county of Huron, for that he the said *Archibald Douglas*, on or about the *20th day of October* last past, at the village of *Blyth*, and county aforesaid, did commit an assault on one *James Robertson* of the said village, carpenter, by striking the said *James Robertson* with his foot contrary to the statute in such case made and provided and against the peace of our Lady the Queen, Her Crown and Dignity.

And it was thereby adjudged that the said *Archibald Douglas* for his said offence should forfeit and pay the sum of *two dollars*, and should pay to the said *James Robertson* the sum of \$3.25 for his costs in that behalf: And it was thereby further adjudged that if the said several sums should not be paid *forthwith* the said *Archibald Douglas* should be imprisoned in the Common Gaol in the said county, at *Goderich*, in the said county of *Huron*, *there to be kept at hard labor* for the space of *ten days* unless the said several sums and the costs and charges of conveying the said *Archibald Douglas* to the said Common Gaol should be sooner paid.

And whereas the time in and by the said Conviction appointed for the payment of the several sums hath elapsed, but the said *Archibald Douglas* hath not paid the same nor any part thereof, but therein hath made default.

These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said *Archibald Douglas* and him safely convey to the Common Gaol at *Goderich* aforesaid, and there to deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the Common Gaol, to receive the said *Archibald Douglas* into your custody in the said Common Gaol, there to imprison him *at hard labor* for the space of *ten days* unless the said several sums, (and costs and charges of conveying him to the said Common Gaol, amounting to the further sum of *seven dollars and fifteen cents*) shall be sooner paid unto you the said Keeper. And for your so doing this shall be your sufficient Warrant.

Given under my hand and seal, this 24th day of }
November, in the year of our Lord 1882, at *Blyth*, } JOSEPH SCOTT, J. P.
in the County of *Huron* aforesaid. } [Seal.]

CHAPTER III.

COSTS OF JUSTICE.

A Justice of the Peace is entitled to legal costs in all cases punishable by summary jurisdiction, and in such cases if the Justice dismisses the case he can order the complainant to pay all costs if it is advisable to do so.

A defendant, however, cannot be charged with costs unless he is convicted.

A Justice can ask for a deposit in summary cases of 50 cents to pay for the information and summons, and it is advisable to do so in all frivolous cases.

If the defendant is convicted the above amount must be paid back to the complainant.

The penalty for wilfully receiving a larger amount than legal fees is \$80.00 with full costs of suit, to be recovered by any person. One half of the penalty goes to the party suing, and the other half to the Province.

In articles of the Peace cases it is the practice for the complainant to pay for the information and summons or warrant, and for the defendant to pay the balance.

Justices can only charge for one information, notwithstanding there is more than one defendant mentioned therein. The same with regard to the hearing also, only one set of fees can be charged in a case, no matter how many Justices attended.

The following fees and no other shall be and constitute the fees to be taken by Justices of the Peace or by their clerks, for the duties and services therein mentioned :

	\$	c.
1. For an information and warrant for arrest, or for an information and summons for assault, trespass, or other misdemeanor.....	50	
2. For each copy of summons to be served on defendant or defendants..	10	
3. For a subpoena (only one subpoena on each side to be charged for in each case, which may contain any number of names)..... (If the Justice of the case requires it, additional subpoenas shall be issued without charge.)	10	
4. For every recognizance (only one to be charged in each case).....	25	

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|---|-------------|
| 5. For information and warrant for surety of the Peace for good behaviour (to be paid by complainant) | \$ c.
50 |
| 6. For warrant of commitment for default of surety to keep peace on good behaviour (to be paid by complainant)..... | 50 |

TABLE OF FEES TO BE TAKEN BY JUSTICES OR THEIR CLERKS IN CASES OF CONVICTIONS WHERE FEES ARE NOT PRESCRIBED BY ANY STATUTE.

	\$ c.
1 For information and warrant for apprehension or for information and summons for service	50
2. For every copy of summons to be served upon defendant or defendants	10
3. For every subpoena to a witness (only one subpoena on each side to be charged for in each case, which may contain any number of names)	10
4. For hearing and determining the case	50
5. For warrant to levy penalty	25
6. For making up every record of conviction where the same is ordered to be returned to the Sessions, or on certiorari	1 00
7. For copy of any other paper connected with any trial, and the minutes of the same if demanded, per folio of 100 words	10
8. For every bill of costs, when demanded to be made out in detail....	10
9. In all cases which admit of a summary proceeding before a single Justice of the Peace, and wherein no higher penalty than \$20 can be imposed, there only shall be charged for the conviction not more than.....	50
And for the warrant to levy the penalty	25

WITNESS FEES.

In all cases where persons are subpoenaed to give evidence before Justices of the Peace in cases of assault, trespass or misdemeanor, the witness shall be entitled in the discretion of the Justice, to receive for every day's attendance, where the distance travelled in coming to and returning from such adjudication does not exceed ten miles	50
And each mile above ten	05

WITNESSES AND EVIDENCE.

A conviction for crime or an interest in the result does not render a witness incompetent.

Children are good witnesses no matter what age, provided they understand the nature of an oath or what it is meant for and can distinguish good from evil.

The form of oath must be in every case such as the witness considers binding on his conscience according to his religious belief.

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A witness may be asked leading questions only on cross-examination when the witness is not favorable to the party cross-examining.

One credible witness is sufficient except in cases of treason, perjury and forgery. In the two latter cases one main witness to the fact and another corroborating is sufficient.

Evidence of recent possession of stolen property, especially when it is property that does not readily pass from hand to hand, is good evidence against the prisoner.

In common assault defendant is a competent witness for the prosecution or on his own behalf, and the wife or husband of the defendant shall be a competent witness on behalf of the defendant, 41 Vic. Chap. 18.

As to coin being false or counterfeit; evidence of officer of Her Majesty's mint not necessary. Evidence of any other credible witness sufficient.

In cases under a municipal By-law the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender and the defendant and the wife or husband of such person opposing or defending, shall also be competent witnesses, and all such persons can be compelled to give evidence.

In cases under the "Master and Servant Act," wherever the Justice takes the evidence of the complainant in support of his or her claim he shall be bound to take the evidence of the defendant also, if tendered.

Lunatics and Idiots are not competent witnesses.

The evidence of persons who cannot speak English must be taken through an interpreter who must be sworn also.

RETURNS.

In indictable cases *all the papers* in connection with the case must be sent to the crown attorney immediately after the conclusion thereof.

Justices should return *all papers* in connection with any case coming before them, whether said case is a conviction, dismissal

or withdrawal, to the Clerk of the Peace for the county up to and on or before the second Tuesdays in the months of March, June, September and December in each year.

Justices must also make a proper return of all fines, forfeitures, penalties and damages and of the application of the monies received from defendants.

Every Justice acting in a case should make a return as *each* is liable to the penalty for non-return.

A Justice is liable to the penalty for *each* case not returned.

It is advisable for a Justice to make his return and send in all papers as soon as the case is disposed of, as if he delays making his return, intending to make same before the quarter is up, but forgets to do so, it is no excuse and the penalty will be enforced.

In case a fine has not been paid at the time of the return the Justice should make mention of it in the next return, even if in another quarter, and say paid on conviction formerly returned.

Unless otherwise directed by the statute creating the offence or penalty, all fines coming under a statute should be paid to the County Treasurer.

Those coming under a by-law of a municipality to the Treasurer of such municipality.

The general practice, except in the latter class of cases, is to send the fine along with the papers to the Clerk of the Peace, who pays same to the proper office, and files the receipt with the papers.

LOCK-UP HOUSES.

The county council may establish and maintain a lock-up house or lock-up houses within the county, and may establish and provide for the salary or fees to be paid to the constable to be placed in charge of every such lock-up.

Every lock-up house shall be placed in the charge of a constable specially appointed for that purpose by the magistrates of the county at a general sessions of the peace thereof.

The council of every city, town, township or incorporated village may by by-law, establish, maintain and regulate lock-up houses for

the detention and imprisonment of persons sentenced to imprisonment under any by-law of the council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up houses.

Two or more municipalities may unite to establish and maintain a lock-up house.

The Justice acting in an offence under a municipal By-law may convict the offender on the oath or affirmation of any creditable witness, and shall award the whole or such part of the penalty as he thinks fit with the costs of prosecution, and may levy same by distress if not paid forthwith, and in case of no distress the Justice may commit the offender to the common gaol, house of correction, or nearest lock-up for the term, or some part thereof specified in the By-law, not exceeding thirty days unless other provision is specially made.

HOUSES OF INDUSTRY AND REFUGE.

Any two Justices of the Peace may by writing under their own hands and seals commit to the house of industry or refuge.

1. All poor and indigent persons who are incapable of supporting themselves.
2. All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect to do so.
3. All persons who lead a lewd, desolate or vagrant life, and exercising no ordinary calling or lawful business sufficient to gain or procure an honest living.
4. And all such persons as spend their time and property in public-houses, to the neglect of any lawful calling.
5. And idiots.

APPEALS.

Any person who thinks himself aggrieved by any conviction or order made by a Justice or Justices of the Peace may appeal to the next court of General Sessions of the Peace, which shall be holden

not less than twelve days after the day of such conviction or order, provided that such person shall give to the prosecutor or complainant a notice in writing of such appeal, and the cause and matter thereof, within four days after such conviction or order and eight days at least before the holden of such court, and shall also either remain in custody until the holding of the court or enter into a recognizance with two sufficient sureties before a Justice or Justices of the Peace, conditioned personally to appear at the said court, and to try such appeal and to abide the judgment of the court thereupon, or if such appeal is against any conviction or order whereby only a penalty or sum of money is adjudged to be paid shall deposit with the Justice or Justices convicting or making the order such a sum of money as such Justice or Justices deem to be sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction or order and the costs of the appeal, and upon such notice being given and such recognizance being entered into or such deposit being made, the Justice or Justices before whom such recognizance is entered into or such deposit has been made shall liberate such person, if in custody, and shall return all papers together with the deposit (if any has been made) to the Clerk of the Peace, 32 and 33 Vic., Chap 31, Criminal Law of Canada.

In case an appeal against any conviction or order be decided in favor of the respondents, (meaning the complainants in first place) the Justice or Justices who made the conviction or order, or any other Justice for the same territorial division may issue the warrant of distress or commitment for execution of the same, as if no appeal had been brought. 32 and 33 Vic., Chap. 31.

Any party who considers himself aggrieved by a conviction or order made by a Justice or Justices of the Peace or by a Police or Stipendiary Magistrate, under the authority of any statute now or hereafter in force in Ontario and relating to matters within the legislative authority of the legislature of Ontario may unless it is otherwise provided by the particular "Act," under which the conviction or order is made appeal therefrom to the General Sessions of the Peace. Rev. Stat. Ont. Chap. 74, Sec. 3. Practice regarding appealing under this section will be the same as under appeals from convictions made under the authority of a statute of Canada as mentioned in the two preceding paragraphs.

Any appellant may abandon his appeal by giving the opposit party notice of his intention in writing six days before the Sessions appealed to; and thereupon the Justice, Justices or Police Magistrate may tax the additional costs if any of the respondent and add the same to original costs, and proceed on the original conviction or order in the same manner as if there had been no appeal thereon. Rev. Stat. Ont. Chap. 74, Sec. 6, for appeals to Judge of County Court from summary convictions. See Rev. Stat. Ont. Chap. 75.

GENERAL FORM OF NOTICE OF APPEAL.

To (the names of the prosecutor and convicting Justice or Justices.) Take notice that I the undersigned of do intend to enter and prosecute an appeal at the next General Sessions of the Peace to be holden at in and for the county of against a certain conviction (or order) bearing date on or about the day of instant, and made by Esquire, one of Her Majesty's Justices of the Peace for the said county of whereby the said was convicted of having (or was ordered to pay. Here state the offence as in the conviction, information or summons, or the amount adjudged to be paid, as in the order, as correctly as possible.)

Dated this day of one thousand eight hundred and eighty.

Such notice must be given within four days after the date of conviction not including the day of such conviction. If the last of the four days falls on a Sunday the notice must be given on the Saturday. The notice does not require to set forth the grounds of appeal, and may be signed by the appellant's Attorney or his Clerk. Where there are several appealing in the same case they may all join in one notice or each give a separate notice.

The notice may be personally served or left for the party at his dwelling house.

Where the notice is given in time the recognizance may be taken at any time before the case is entered into provided the prisoner remains in custody until same is given, and when tendered the Justice is bound to take it if sufficient, even when he thinks the notice is bad. The notice and recognizance should be filed in the office of the Clerk of the Peace. The Justice must send all papers in an appeal case to the Clerk of the Peace.

Appeals under the Master and Servant Act are now to be made to the Division Court.

Notice is to be given within four days after the order or conviction and at least eight days before the sitting of the court at which the appeal is to be heard, and a bond with two sufficient sureties (to be approved of by the clerk of the court) in the sum of \$100, is also to be given by the appellant within four days from such conviction or order.

SUPPORT OF ILLEGITIMATE CHILDREN.

Any person who furnishes food, clothing, lodging or other necessities, to any child born not in lawful wedlock, may maintain an action for the value thereof against the father of such child, if the child was a minor at the time the necessities were furnished, and was not then residing with his or her reputed father and maintained by him as a member of his family. No such action shall be sustained unless it is shown that while the mother of the child was pregnant, or within six months after the birth of her child she did voluntarily make an affidavit in writing before a Justice of the Peace for the County in which she resides, declaring that the person who is afterwards charged in such action is really the father of such child. Such affidavit must be filed within the time aforesaid in the office of the Clerk of the Peace in the County, who is entitled to receive 25 cents for filing the same.

THE FOLLOWING FORM IS ONE ADVISABLE TO USE.

County of

to wit :

I of the of
in the county of unmarried woman make oath and say :

1. That I am now pregnant and sick with an illegitimate child, and expect to be delivered thereof on or about the of next, (or if after the birth of the child) that I was on or about the day of last past delivered of an illegitimate (male or female) child.

2. I do further declare make oath and say that of the of in the county of (give county and occupation or description of father) is really the father of the said child, of which I so expect to be delivered as aforesaid, (or of which I have been so delivered as aforesaid.)

Voluntarily sworn before me at
in the county of this day of } (Signature or mark of the
A. D., 188 J. P. } mother.)

If the mother cannot read or write add, " And I do hereby certify that the above affidavit was read over to the deponent, who seemed perfectly to understand the same, and made her mark thereto in my presence.

CHAPTER III.

LIST OF INDICTABLE AND SUMMARY CASES COMBINED ARRANGED ALPHABETICALLY.

NOTE.

One Justice is sufficient, unless it is mentioned in any particular case that two are required, (and unless stated that a Justice can act summary he should commit or bail for trial.) Information in indictable offences can be laid at any time. In summary cases must be within three months, except in cases where a different period is mentioned.

ABDUCTION.—Where female abducted is over age of sixteen years, taking must be by force or fraud, and with intent to marry or carnally know her, or cause her to be married or carnally known.

Where girl abducted is under age of sixteen years crime consists in taking her out of possession and against the will of her father or mother, or any other person having lawful care or charge of her; or in causing her to be so taken. Crim. Law, 32, 33 Vic., Chap. 20.

ABORTION.—Note that even supplying or procuring poison or other noxious thing, or any instrument or thing whatsoever knowing that the same is intended to be unlawfully used with intent to procure the miscarriage of any woman whether she be or be not with child is a misdemeanor. Crim. Law or 32, 33 Vic., Chap. 20.

ACCESSORIES.—In every felony every principal in the second degree shall be punishable in the same manner, as the principal in the first degree is punishable.

Whosoever aids, abets, counsels or procures the commission of any misdemeanor shall be liable to be tried, indicted and punished as a principal offender.

Accessories can be tried and convicted although the principal offender not in custody. Crim. Law or 31 Vic., Chap. 72.

ADULTERATION OF LIQUOR.—Penalty for selling, &c., see 46 Vic., 1883, Chap. 30, Sec. 79, Page 385.

ADVERTISEMENTS FOR STOLEN GOODS.—Printing or publishing advertisements for the return of stolen goods, without questions being asked, is finable. Crim. Law or 32, 33 Vic., Chap. 21.

ARMS.—Carrying on person any bowie-knife, dagger or dirk, iron knuckles, skull-crackers or sling shots or other offensive weapons of a like character, or secretly carrying any instrument loaded at the end, or selling or exposing for sale any such weapons, is a misdemeanor. Crim. Law or 32, 33 Vic., Chap. 20. Prosecution under above section must be commenced within one month from commission of the offence charged. (Send for trial.)

Persons carrying sheath-knives in seaport towns or cities are liable to same penalties as above, but this does not apply to seamen or riggers when occupied or engaged in their lawful trade or calling. (See also "Unlawful Weapons.")

ARSON.—In its present broad sense is defined as "The malicious and wilful setting fire to any building or other thing as corn, ships, stacks, &c., &c." Not necessary that offence be committed from malice, or that intent to injure or defraud any particular person is alleged. Crim. Law or 32, 33 Vic., Chap. 22.

AFFRAY.—Fighting between two or more persons in some public place to the terror of Her Majesty's subjects, for example, a prize fight. (Summary or for trial.)

ADULTERATION.—Every person who shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance and quality demanded by such purchaser, shall for every such offence on conviction of the same, incur and pay a penalty of \$100 and costs, and for second offence \$200. 41 Vic., Chap. 11. (Summary or for trial.)

Adulteration of butter and oleomargarine. 41 Vic., chap. 11. (Summary or for trial.)

APPRENTICES AND MINORS.—Any Justice of the Peace, Mayor or Police Magistrate, on complaint made before him on oath by an apprentice against his master, for refusing him necessary provisions, or for misuse, cruelty or ill-treatment, shall summon the master to appear before him to answer the complaint, and shall on conviction fine the offender in a sum not over \$20 and costs to be levied by distress and in default of distress shall

imprison for not over one month in the common gaol unless the fine and costs be sooner paid.

Any Justice, Mayor or Police Magistrate, shall on complaint of a master against his apprentice for refusing to obey his command, or for waste or damage to property, or for any other improper conduct, cause the apprentice to come before him, and on conviction, shall imprison such apprentice in a common gaol or house of correction for a term not exceeding one month.

For above and other laws *re* apprentices and minors, see Rev. Stat. Ont., Chap. 135, page 1201. (Summary.)

ASSAULT.—An attempt or offer to commit a forcible crime against the person of another. There need not be any actual touching, but mere words never amount to an assault. Aggressive words accompanied with threatening actions, if the offender is in a position to reach the complainant amount to an assault.

If one person strikes or throws anything at another it is a battery if he hits; and an assault if he misses.

Justices may try assault, and if *the complainant asks it to be disposed of summarily*, if he convicts, sentence the offender to gaol or place of confinement other than penitentiary for any term up to two months with or without hard labor or to pay a fine not exceeding twenty dollars together with costs if ordered. Crim. Law or 32 and 33 Vic., Chap. 20, 1869. (Summary or for trial.)

For numerous other offences coming under the general head of assaults, see Crim Law or 32 and 33 Vic., Chap. 20, Sec. 36 to 42.

See also "Indecent Assault," "Battery."

ASSAULT AGGRAVATED.—Aggravated assaults, prisoner should always be sent for trial if the evidence warrants doing so.

ATTEMPT TO COMMIT A CRIME.—Is of itself a crime and therefore punishable, but the act must have been such, that if no interruption had taken place, the principal offence would have been successfully committed.

ASSOCIATIONS.—See (co-operative.)

BANK ACT.—For penalty for violating same, &c., see Stat. Can., 46 Vic., Chap. 20, Sec. 9, page 334.

BATTERY.—Includes every touching or laying hold (however trifling) of another person, or his clothes in an angry, revengeful, rude, insolent or hostile manner. Every battery includes an assault. (See "Assault.")

BIGAMY.—Consists in marrying a second time while the prisoner has a former husband or wife still living, and a *bona fide* belief by the prisoner that his wife was dead at the time of his second marriage is no defence, unless she was continually absent from him for seven years, and was not known to be living during that time. The first wife or husband is not a competent witness either for or against the prisoner, but the second wife or husband is.

Offence is a felony, see Crim. Law or 32, 33 Vic., Chap. 20, Sec. 58. (For trial.)

BURGLARY.—Whosoever enters the dwelling-house of another with intent to commit any felony therein, or being in such dwelling-house commits any felony therein, and in either case breaks out of the said dwelling-house in the night is guilty of burglary.

Offence is a felony, see 32, 33 Vic., Chap. 21, Sec. 50, or Crim. Law.

Least degree of entry with any part of the body, or with any instrument held in the hand is sufficient to constitute entry.

Where the breaking with intent to commit a felony is proved, but there is no proof of entry, the prisoner may be committed of an attempt to commit burglary.

BY-LAWS.—Councils may pass by-laws for the licensing, regulating and governing auctioneers, &c. 36 Vic., C. 48, S. 383.

Licensing, regulating and governing hawkers or petty traders. 36 Vic., C. 47, S. 383.

For establishing and regulating markets and all things sold therein. 36 Vic., C. 48, S. 383.

For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food. 36 Vic., C. 48, S. 384.

For preventing and abating public nuisances. 36 Vic., C. 48, S. 384.

For preventing or regulating the firing of guns or other fire arms, the setting off of crackers, fireworks, &c., and for prevent-

ing charivaries and other like disturbances of the peace. 36 Vic., C. 48, S. 384.

For preventing driving upon sidewalks, travellers being importuned, &c. 36 Vic., C. 48, S. 384.

For preventing fires, for removal of snow, ice, dirt, &c. 36 Vic., C. 48, S. 384.

For preventing obstruction and fouling of streets, &c., and for removal of door steps, porches, &c., projecting into or over any road or other public communication. 36 Vic., C. 48, S. 384.

For licensing, regulating and governing transient traders. 36 Vic., C. 48, S. 384.

For regulating traffic in streets, width of tires, &c. 36 Vic., C. 48, S. 384.

For regulating and licensing vehicles for hire. 36 Vic., C. 48, S. 391.

For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials.

For above and numerous other offences under by-laws, see Municipal Act Rev. Stat. Ont., Chap. 174, pages 1589 to 1783.

See also ("Morals," "Highways.")

BUGGERY.—See "Sodomy."

CATTLE STEALING.—Whosoever steals any cattle is guilty of felony, and shall be liable to be imprisoned in the penitentiary for any term not exceeding fourteen years and not less than two years, or in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement. 32 & 33 Vic., Chap. 21, Sec. 10, or Crim. Law.

For larceny of other animals, etc., see 32 & 33 Vic., Chap. 21, Secs. 11, 12, 13, 14, or Crim. Law, for trial.

CATTLE MAIMING.—Whosoever unlawfully and maliciously kills, maims, wounds, poisons or injures any cattle, is guilty of felony, and shall be liable to be imprisoned in the penitentiary for any term not exceeding fourteen years and not less than two years, or in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement. 32 & 33 Vic., Chap. 22, Sec. 45, or Crim. Law.

For attempting to poison cattle, killing or maiming other animals, such as dogs, birds, etc., for the penalty for second offences, see 32 & 33 Vic., Chap. 22, Secs. 46 & 47, or Crim. Law.

The term "cattle" shall include any horse, mule, ass, swine or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it may be known, and shall apply to one animal as well as to many.

See "Cruelty to Animals."

CEMETERY ACT—Violation of.—Any person willfully injuring or removing any tombstone or other structure, or any tree or plant, or who plays at any game, discharges fire arms (save at a military funeral) or commits a disturbance or nuisance in a cemetery is guilty of a misdemeanor. Penalty, fine not less than \$4 and not more than \$40. See Rev. Stat. Ont. Chap. 170, page 1579, (Summary or for trial.)

CHEMISTRY ACT—Violation of.—No person shall sell any poison unless the box, bottle or cover in which such poison is contained, is labelled with the word "poison" and the name thereof and the name and address of the proprietor of the place where sold.

No person shall sell any poison to any person unknown to the seller unless introduced by some person known by the seller.

On every sale of poison, the person actually selling, shall before delivery enter in a book, the date of sale, name and address of purchaser, name and quantity of poison, the purpose for which required as stated by purchaser, the name of person introducing (if any) and the purchaser must sign such entry before receiving the poison.

Penalty for violating any of above laws is, fine of not over \$20 and costs for first offence, and for each subsequent offence a fine of not over \$50 and costs, to be recovered before any *two* Justices on oath of one or more credible witnesses,

One-half the fine belongs to the prosecutor and one-half to the Province.

COUNTERFEITING.—For punishment for making counterfeit coin, colouring any coin or metal to pass for good coin, uttering any

coin, impairing weight of any coin, unlawfully possessing gold or silver clippings of coin, buying or selling counterfeit coin, exporting or importing counterfeit coin, altering or passing counterfeit coin, passing light gold or silver coin, having counterfeit coin in possession, defacing good coin, making, mending or having unlawful possession of any coining tools. See 32 & 33 Vic. Chap. 18, or Crim. Law. (For trial.)

CHEATING.—At cards. Indictable. (Should be sent for trial.)

CHALLENGE.—To fight either by word or letter, or to be the bearer of such challenge, or to provoke another to send a challenge, is a misdemeanor punishable by fine or imprisonment, or both, not necessary that actual fighting should follow. (Indictable.)

CONCEALMENT OF BIRTH.—If any woman is delivered of a child, every person who by any secret disposition of the dead body of the said child, whether such child died before, at or after its birth, endeavors to conceal the birth thereof, is liable to be imprisoned for any term less than two years, with or without hard labor. Misdemeanor, for trial. Crim. Law, or 32 & 33 Vic. Chap. 20, Sec. 61. Any person as well as the mother may be convicted. Denial of birth not sufficient, there must be some act of disposal of the dead body, and the body must be found and identified.

CHEESE AND BUTTER FACTORIES.—As to penalty for sending adulterated milk to factories and other offences, see Rev. Stat. Ont. Chap. 159, page 1432. (Summary, two Justices.)

Co-OPERATIVE ASSOCIATIONS.—As to penalties for violation of act see Rev. Stat. Ont. Chap. 158, page 1430. (Two Justices, Summary or trial.)

CONTEMPT OF COURT.—Magistrates acting judicially in a proceeding in which they have power to fine and imprison, have power to commit to prison orally without warrant, for contempt committed in the face of the court.

A contempt is either an open resistance or insult committed by any person in the face of the court.

General practice is to commit by warrant for five or ten days, but unless the words be spoken under circumstances which render it probable they may prevent the due administration of Justice, it will be safer for the magistrate to proceed by indictment and not summarily.

CHAMPERTY.—A species of maintenance.

The unlawful maintenance of a suit in consideration of having part of the land or debt, &c., sued for if the party assisted wins the case.

See "maintenance."

CHILD STEALING.—To unlawfully by force or fraud, lead, take, decoy or entice away or detain a child under fourteen years with intent to deprive the parent or person having lawful charge of said child of the possession thereof, or with intent to steal any article upon or about the child, or with any such intent to receive or harbour such child, knowing the same to have been so led away, is a felony. See 32 & 33 Vic. Chap. 20, 1869, or Crim. Law. (For trial.)

CHILD ABANDONING.—To unlawfully abandon or expose any child under the age of two years in such manner that its life is endangered, or its health is or is likely to be permanently injured, is a misdemeanor. (For trial.)

COCK-PIT.—For offence for building, making or keeping cock-pit on premises belonging to or occupied by defendant, or of allowing same to be done, any two Justices may imprison for any term not over three months with or without hard labor, or fine not over \$50 or both. See Stat. Can. 43, Vic. 1880, Chap. 38 (Summary.)

CRUELTY TO ANIMALS.—Whosoever wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, pig or other cattle, or any poultry, or any dog or domestic animal or bird, or whosoever driving any cattle or other animal is, by negligence or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal, and any person who in any manner encourages, aids or assists at the fighting or baiting of any bear, badger, dog, cock, or other kind of animal, whether of domestic or wild nature, shall upon being convicted, be imprisoned for a period not over three months, with or without hard labor, or by a fine of not over fifty dollars or by both. (Summary or trial.) One-half of fine, if any, goes to the informant and the other half to the municipality in which the offence was committed. (Summary.) 43 Vic. Chap. 38. *Must be by two justices.* See "cattle."

COMPOUNDING FELONY.—Forbearing to prosecute on account of receiving a reward. Most common form is the forbearance to prosecute a thief on consideration of receiving one's stolen goods back again or other advantage.

The mere receiving back stolen goods without showing any favor to the thief is no crime, offence is a misdemeanor. Indictable "for trial." To corruptly take any reward for helping a person to property stolen or obtained, etc., by any felony or misdemeanor (unless all due diligence to bring the offender to trial has been used) is a felony.

CONCEALED WEAPONS.—32-33 Vic. Chap. 20 Crim. Law. See "Arms."

CONSPIRACY.—A combination of two or more persons to do an unlawful act, whether that act be a crime, or an act hurtful to the public, a class of persons, or an individual.

Single person may be convicted if he is indicted with others who may however be dead or unknown. If the agreement can be proved there is no necessity to prove that anything was done in pursuance of it. (For trial.)

CUTTING AND WOUNDING.—See "Assault."

CUSTOMS ACT.—Stat. of Can. 1883, 46 Vic. Chap. 12. See "Inland Revenue and Smuggling."

DEMANDING.—Money by letter with menaces or by force. See "Extortion."

DENTISTRY ACT, VIOLATION OF.—Any person not a member of the Royal College of Dental Surgeons of Ontario practising dentistry for hire, gain, or hope of reward, or pretending to hold, or take or use any name, title, addition or description implying that he holds a certificate to practice dentistry, or that he is a member of the above college, or falsely representing or using any title representing or using any title representing that he is a graduate of any dental college is liable to a penalty of \$20 for every offence. Any Justice of the Peace can impose such penalty with costs, and shall pay the penalty to the Secretary of the college aforesaid.

In case of default in payment the Justice can commit to the Common Gaol for any term not over one month, unless the penalty and costs are sooner paid.

Burden of proof of registration, etc., is on the defendant. Rev. Stat. Ont. Chap. 144.

DISTURBING PUBLIC WORSHIP, ETC.—See "Worship."

DISTRESSES, UNREASONABLE.—See Rev. Stat. Ont. Chap. 65, page 796.

DIVISION COURTS.—If any officer or bailiff, (or his deputy or assistant) be assaulted while in the execution of his duty, or if any rescue be made or attempted to be made of any property seized under a process of the court, the person so offending shall be liable to a fine not exceeding twenty dollars, to be recovered by order of the court, or before a *Justice of the Peace* of the county or city, and to be imprisoned for any term not exceeding three months, and the bailiff of the court, or any other peace officer, may in any such case, take the offender into custody (with or without warrant) and bring him before such court or justice accordingly. (Summary or for trial.)

DISORDERLY HOUSE, BAWDY HOUSE OR HOUSE OF ILL-FAME.—A person convicted of keeping or being an inmate or habitual frequenter of any disorderly house, house of ill-fame or bawdy house may be imprisoned in the Common Gaol or other place of confinement for any period not exceeding six months, with or without hard labour, or adjudged to pay a fine not exceeding with the costs, one hundred dollars, or to both fine and imprisonment.

32 & 33 Vic. Chap. 32, Sec. 2-16, or Crim. Law. (For trial.)

Not necessary that the disorderly conduct should be visible from the exterior of the house.

Dogs.—There shall be levied annually in Ontario upon the owners thereof a tax of one dollar for each dog and two dollars for each bitch, except where the council of any county or union of counties pass a by-law that such tax shall not be levied even where the county council pass such a by-law, the council of any municipality within jurisdiction of said county council may pass a by-law that such tax shall be levied. The owner or keeper of

any dog refusing or neglecting to deliver in writing to the assessor or assessors when so required by them, the number of dogs owned or kept or who makes any false statement in respect therewith shall incur a penalty of \$5 to be imposed with costs by any Justice of the Peace. (Summary.)

DOG TAX.—When the collector has failed to collect the taxes aforesaid he shall report the same under oath to any Justice of the Peace, who shall by an order under his hand and seal, to be served by any duly qualified constable, require such dogs to be destroyed by the owners thereof, and if such owner or owners neglect or refuse to obey the said order, he or they shall be liable to the penalty, to be recovered before any Justice of the Peace, and the collector neglecting to make the aforesaid report within the time required for paying over the taxes shall be liable to a penalty of ten dollars and costs to be recovered as above.

Any person may kill any dog which he sees pursuing, worrying or wounding any sheep or lamb.

The owner of any sheep or lamb killed or injured by any dog may recover the damages occasioned thereby before any Justice of the Peace or by an action for damages.

As to killing of dogs known to worry sheep damages in case where owner of dog not known, and other particuiars, see Rev. Stat. Ont. Chap. 194, page 1979.

DRIVING FAST.—See "By-Laws," "Morals."

DRUNKENNESS.—See "Morals," "License Act."

EMBEZZLEMENT.—Is the unlawful appropriation to his own use by a servant or clerk, of money or chattels received by him for and on account of his master or employer.

Whosoever being a clerk or servant or being employed for the purpose, or in the capacity of a clerk or servant fraudently embezzles any chattels, money or valuable security, delivered to or received or taken into possession by him for, or in the name, or on the account of his master or employer, or any part thereof shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money or security was not received into the possession of such master or employer, otherwise than by the actual possession of his clerk, servant or

other person so employed, and shall be liable to be imprisoned in the penitentiary for any time not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years with or without hard labor, and with or without solitary confinement. For this and other embezzlements see 32 and 33 Vic., Chap. 21 or Crim. Law. (For trial.)

ESCAPES—Three kinds. *Escape* proper, when liberation of the party is effected by himself or others without force.

Prison-breaking, when effected by party himself with force.

Rescue, when effected by others with force.

Escapes may be voluntary or negligent.

Voluntary, when officer who has charge of prisoner allows him to escape knowingly with intent.

Negligent, when prisoner escapes on account of carelessness, etc., of officer who has him in charge, or when having escaped with negligence of the officer, he (the officer) does not freshly pursue and take him in charge again before he loses sight of him.

Officers who, after an arrest, negligently allow a prisoner to escape, are punishable with a fine.

If they voluntarily permit it they are deemed guilty of the same offence as the prisoner who escapes from their custody.

32 & 33 Vic., Chap. 29, sec. 84-5 or Crim. Law. (For trial.)

ESCAPES.—When a person lawfully arrested for any cause escapes and shelters himself in a house, the doors may be broken open to take him on refusal of admittance.

Conveying articles into a prison for the purpose of aiding prisoners to escape is felony.

EFFIGY.—Hanging a man or woman in effigy is indictable. (Justice should send for trial.)

ENTRY.—See "Forcible Entry."

EXPLOSIVE AND DANGEROUS ARTICLES.—Destroying dwelling-house or part thereof by explosion, or burning or throwing an explosive article against a person, or sending an explosive or dangerous article to a person with intent are indictable. (For trial.)

EXPOSING CHILD.—See "Child Abandoning."

EXPOSURE.—See "Indecent."

EXTRADITION.—Of offenders to the "United States."

Justices of the Peace have no jurisdiction.

EXTORTION.—Consists in an officer's unlawfully taking by color of his office from any man any money or thing of value that is not due to him, or more than is due or before it is due, all persons concerned therein if guilty at all are principals. (For trial.)

An officer is equally liable for neglect of his duty as for active misconduct.

For crime of sending letter, etc., demanding money, etc., with menaces. Demanding money, etc., with menaces or by force. Accusing or threatening or sending letters accusing or threatening to accuse of a crime with intent to extort. Inducing a person by threats or violence to execute deeds, etc., with intent to defraud. See 32 & 33 Vic., Chap. 21, Sec. 43-48 or Crim. Law.

It is immaterial whether the menaces or threats hereinbefore mentioned be of violence, injury or accusation to be caused or made by the offender or by any other person.

Also see "Libel."

For extortion in levying "distresses," "small rents," and "penalties." See Rev. Stat. Ont., Chap. 65. page 796.

FALSE PERSONATION.—Personating the owner of certain stock, etc., and transferring or receiving or endeavoring to transfer or receive the dividends is felony. 22 & 23 Vic., Chap. 19 or Crim. Law.

A person applying for a ballot-paper in the name of some other person whether such name be that of a person living or dead or of a fictitious person, or who having voted once at an election of a member of the House of Commons, applies at the same election for a ballot-paper in his own name is guilty of personation.

Dominion Election Act 1874, 37 Vic., Chap. 9, Sec. 74. (For trial.)

FALSE PRETENCES.—Whosoever by any false pretence obtains from any other person, any chattel, money or valuable security with intent to defraud is guilty of a misdemeanor, and shall be liable to be imprisoned in the penitentiary for any term not exceeding three years and not less than two years, or in any gaol or place

of confinement for any term less than two years with or without hard labor, and with or without solitary confinement. See 32 & 33 Vic., Chap. 21, Sec. 93, or Crim. Law. (For trial.)

The crimes of false pretences and larceny are hard to distinguish between.

In *larceny*, the owner of the thing stolen has no intention to part with his ownership therein to the person taking it, although he may intend to part with the possession.

In *false pretences*, the owner does intend to part with his property in the money or chattel, but it is obtained from him by fraud.

A promise to do a thing may involve a false pretence that the promissor has the power to do that thing.

If the representation is only matter of opinion the party is not criminally liable.

The false pretence need not be expressed in words, the conduct and acts of the party accused may suffice. A letter written by the prisoner will answer. A false pretence made through an innocent agent is of course the same as if made by the person himself.

Intent is generally to be gathered from the facts of the act and an intent to defraud generally and not any particular person is sufficient.

It must appear that the person defrauded was induced to part with his money or security, etc., by the pretence and that the pretence is untrue. If the pretence is known to be false by the person defrauded at the time he parts with his property there is no fraud.

No defence, that the prisoner at the time he made the false pretence and obtained the goods, etc., intended to pay for them when he was able.

The goods obtained need not be in existence at the time the false pretence is made, if their subsequent delivery is directly connected with the said false pretence.

Winning at play by fraud is punishable as for obtaining money by false pretences.

For any person with intent to defraud or injure another by false pretence to fraudulently cause or induce any person to execute, make, accept, indorse or destroy the whole or any part of any

valuable security, or to write, impress, affix his name or the name of any other person or of any company, firm, or co-partnership, or the seal of any body corporate, company or society, upon any paper or parchment in order that the same may be afterwards made or converted into or used, or dealt with as a valuable security is a misdemeanor, punishable as obtaining by false pretences.

FAST DRIVING.—See "By-Laws," "Morals."

FERRIES.—See Rev. Stat. Ont. Chap. 112, Page 1102, Sec. 10-11.

FIRE ARMS.—See "Arms," "Weapons."

FIGHT.—Challenge to. See "Challenge."

FISHERIES ACT.—See "End of Chapter."

FORCIBLE ENTRY.—The violent taking or after the unlawful taking, the violent keeping possession of lands and tenements with menaces, force and arms without legal authority.

No defence to a charge of forcible entry that the prisoner has been unjustly turned out of possession for he has a remedy at law. If there is not force exercised it is a mere trespass.

Forcible entry is a misdemeanor. (For trial).

FORGERY.—The fraudulent making or alteration of an instrument or part thereof which purports on the face of it to be good and valid for the purposes for which it was created, with a design to defraud.

Forgery need not be of the whole instrument, any alteration however slight if material, is forgery. Even by putting in a false date or making a person's mark with intent to defraud. Not necessary to prove intent to defraud any particular person.

If the prosecution fail to prove the actual forgery the prisoner may be convicted of the uttering, and a mere tender or attempt to pass off the instrument will suffice.

Whosoever maliciously and for any purpose of fraud or deceit forges any document or thing written, printed or otherwise made capable of being read, or utters any such forged document or thing, knowing the same to be forged is guilty of felony. Penalty, in penitentiary for life, or any term less than two years or any other gaol or place of confinement for less than two years, with or without hard labor and with or without solitary confinement.

32 & 33 Vic. Chap. 19, or Crim. Law. (For trial.)

FRAUDS.—By agents, attorneys, factors, trustees, etc., see "Larceny."

FRAUD.—Whosoever is convicted of fraud or of cheating or of conspiracy, shall in any case where no special punishment is provided by any statute be liable to be imprisoned in the penitentiary for any term not exceeding seven years nor less than two years or in any other gaol or place of confinement for less than two years with or without hard labor, and with or without solitary confinement.

32 & 33 Vic. Chap. 29, Sec. 86 or Crim. Law. (For trial.)

FRAUDULENT PREFERENCE OF CREDITORS.—Any person who destroys, alters, mutilates or falsifies any of his books, papers, writings, or securities or makes or is privy to the making of any false or fraudulent entry in any book of account or other document with intent to defraud his creditors or any one or more of them shall be deemed guilty of a misdemeanor. Penalty, imprisonment in any common gaol for any term not over six months.

Any person who makes or causes to be made any gift, conveyance, assignment, sale, transfer, or delivery of any of his lands, hereditaments, goods or chattels, or who removes or disposes of any of his goods, chattels, property or effects of any description with intent to defraud his creditors or *any of them*, and any person who receives such property real or personal, with such intent shall be deemed guilty of a misdemeanor.

Penalty, imprisonment for any term not over twelve months and fine not exceeding eight hundred dollars.

22 Vic. Chap. 96, or Rev. Stat. Ont., Page 1125. (For trial.)

FRAUDULENT MARKING OF MERCHANDIZE.—See 32 & 33 Vic., Chap. 32 or Crim. Law. (For trial.)

FRAUD.—For penalties for, in relation to contracts involving the expenditure of public moneys, see 46 Vic., 1883, "Can." Chap. 32, pages 424 and 425.

FURIOUS DRIVING.—Whosoever having the charge of any carriage or vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect does or causes to be done any bodily harm to any person whatsoever is guilty of a misdemeanor.

Penally, imprisonment for any term less than two years with or without hard labor. (Summary or for trial.)

The council of every township, city, town or incorporated village may pass a by-law for regulating the driving and riding of horses and other cattle on highways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon. Penalty, fine of fifty dollars and costs, or imprisonment with or without hard labor for any term not over twenty-one days in case of non-payment of the fine, and there being no distress found.

Rev. Stat. Ont., Chap. 174, Sec. 454.

FRUIT.—Stealing. See "Larceny."

For penalty for leaving black-knot on plum and cherry trees, see Stat. Ont., 1879, 42 Vic., Chap. 33, page 76. (Summary.)

GAMBLING.—Not illegal unless either some fraud is resorted to, or regular institutions are established for the purpose, so as to amount to a public nuisance.

If any person by fraud or unlawful device, or ill-practice in playing, betting, or wagering, win any sum of money or valuable thing, he is deemed guilty of obtaining money or other valuables by false pretences.

32 & 33 Vic., Chap. 21, Sec. 97 or Crim. Law. (For trial.)

Keeping gambling-house. 32 & 33 Vic., Chap. 29, Sec. 28. (For trial.)

Obtaining any money, chattel, valuable security or property on any railway car or steamboat used as a public conveyance for passengers by means of gambling, or any instrument of gambling, or by any device of like character is a misdemeanor of false pretences. Penalty, imprisonment for any term less than a year with or without hard labor and with or without solitary confinement.

Every person aiding, encouraging, advising or confederating in above crime shall be deemed guilty thereof, and liable to be punished the same as a principal. Any attempt to commit such offence is a misdemeanor punishable in like manner as the offence itself.

The offence may be tried in any district, county, or place through or adjoining to, or by the boundary of any part whereof the railway car, or steamboat passed in the course of the journey or voyage during which the offence was committed.

It is the duty of any conductor, master or superior officer in charge of, and for any clerk or employee when authorized by the conductor or superior officer in charge in any railway train or steamboat station, or landing place, in or at which any such offence as ~~above~~ is committed or attempted, with or without warrant to arrest any person or persons whom he has good reason to believe have committed or attempted to commit the same.

32 & 33 Vic. Chap. 32 or Crim Law. (For trial.)

Provision is made for the breaking into and searching houses suspected of being gambling-houses, also for seizing all instruments of gambling and taking into custody all persons found therein.

Sec. 3 of 40 Vic., Chap. 33 provides for the destruction of any cards, dice, balls, counters, tables or other instruments of gaming seized in any place used as a common gaming house.

By Sec. 4 of said statute, any person playing or looking on while any other person is playing in a common gaming house is guilty of an offence and liable on conviction thereof to a fine of not less than twenty nor more than one hundred dollars, and in default of payment imprisonment in common gaol for a term not exceeding two months.

The council of every township, city, town or incorporated village may pass by-laws for suppressing gambling houses and for seizing and destroying faro banks, rouge et noir, roulette tables, and other devices for gambling found therein.

Rev. Stat. Ont., Chap. 174, Sec. 461, S. S. 30.

GAME.—Protection of. (1.) Deer, elk, moose, reindeer or cariboo shall not be hunted, taken or killed between the 15th of December and the 1st of October. (2.) Grouse, pheasants, prairie fowl or partridge between the 1st of January and the 1st of September. (3.) Wild turkeys or quail between the 1st of January and the 1st of October. (4.) Woodcock between the 1st of January and the 1st of August. (5.) Snipe between the 1st of January and the 15th of August. (6.) Water fowl known as mallard, gray duck, black duck, wood or summer duck, between 1st of January and the 15th of August. (7.) Other ducks, swans or geese between the 1st of May and the 15th of August. (8.) Hares between the 1st of March and the 1st of

September. No eggs of any of the birds above mentioned shall be taken, destroyed or had in possession by any person at any time.

No traps, nets, snares, gins, baited lines or contrivances shall be used or set at any time to catch any of the above animals or birds, and batteries, swivel guns, sunken punts or night-lights shall be used at any time for taking or killing the wild fowl known as swans, geese or ducks.

No beaver, musk-rat, sable, marten, otter or fisher shall be hunted, taken or killed or had in possession of any person between the 1st of May and the 1st of November.

No mink between the 1st of April and the 1st of November. Nor shall any traps, snares, gins or other contrivances be set for them during such period, nor shall any musk-rat house be cut, broken or destroyed at any time.

Penalty. (1.) In case of deer, elk, moose, reindeer, or cariboo, fine not over fifty dollars nor less than ten dollars with costs, for each offence. (2.) In case of birds or eggs, fine not over twenty-five nor less than five dollars with costs, for each bird or egg.

In other cases fine not over twenty-five nor less than five dollars with costs for each offence.

The whole of such fine shall be paid to the prosecutor unless the justice has reason to believe that the prosecution is in collusion with the accused.

It shall be lawful for the council of any county, city, town, township or incorporated village to appoint an officer who shall be known as the game inspector for such place.

For further particulars regarding above offences. See 43, Vic. Stat., Ont., Chap. 31. (Summary) See "Killing useful Birds."

GAS AND WATER COMPANY ACTS.—As to penalties for violation of act, see Rev. Stat. Ont., Chap. 157, page 1424. (Summary or for trial.)

HEALTH ACT.—Violation of. As to penalties for violation of act or obstruction of health officers, see Rev. Stat. Ont., Chap. 190, page 1961 to 1968. (Summary. Two justices.)

HIGHWAY.—Every shade tree, shrub and sapling now growing on either side of any highway in the province shall be deemed to be the property of the owner of the land adjacent to such highway opposite to which such tree, shrub or sapling is.

Every tree, shrub or sapling in any highway shall be deemed to be the property of the owner for the time being of the land whose owner planted the same, but no tree, shrub or sapling shall be so planted that the same is or may become a nuisance in the highway, or obstruct the fair and reasonable use of the same. Above shall not apply to incorporated cities, towns and villages, unless the council thereof first passes a by-law making the same apply thereto.

Any person who ties or fastens any animals to any such tree, shrub or sapling so growing or planted upon any highway, or who injures or destroys, or suffers or permits any animal in his charge to injure or destroy, or who removes any such shrub, tree or sapling, or receives the same knowing it to be so removed shall, upon being convicted thereof before a justice of the peace be liable to a fine of not over twenty-five dollars besides costs. In default of payment same may be levied by distress or the defendant may be imprisoned in the common jail for a period not exceeding thirty days.

One-half of fine goes to informant and one-half to the municipality.

34 Vic., Chap. 31 or Rev. Stat. Ont., Chap. 187, page 1953.

As to planting or removing trees in highway by municipal councils, see Rev. Stat. Ont., page 1720. See "Larceny," "Yellows."

Word "highway" means any public highway, street, road, lane, alley, or other communication as well as any other public place or square.

HIGHWAYS, Engines on.—For penalties for violation act, see Rev. Stat. Ont., Chap. 1860, page 1950. (Summary.)

HOMICIDE.—See "Murder."

HORSE STEALING.—Whosoever steals any cattle is guilty of felony. Penalty, not over fourteen nor less than two years in the penitentiary or in any other gaol or place of confinement for any

term less than two years with or without hard labor, and with or without solitary confinement.

32 & 33 Vic., Chap. 21, Sec. 10 or Crim. Law.

As to what comes under the word "cattle," see (Cattle Maiming.)

Reward—County councils are obliged to pay a sum not less than twenty dollars to any person or persons who shall apprehend or cause to be apprehended any person or persons guilty of stealing any horse or mare. 29 & 30 Vic., Chap. 51, Sec. 355.

HOUSE BREAKING.—The breaking and entering any house with the intention of committing a crime therein, or where one is in a house committing a felony therein and breaking out of same.

House breaking may be committed by day. Burglary by night only.

Whosoever breaks and enters any dwelling-house, school-house, shop warehouse or counting-house and commits any felony therein and breaks out of the same is guilty of felony.

Whosoever breaks and enters any dwelling-house, church, chapel, meeting house, or other place of divine worship, or any building within the curtilage school-house, shop, warehouse or counting-house with intent to commit any felony therein is guilty of felony.

Whosoever is found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein or is found by night having in his possession without lawful excuse (the proof of which excuse shall be on such person) any picklock, key, crow, jack, bit or other implement of house-breaking, or any match or combustible of explosive substances, or is found by night having his face blackened or otherwise disguised with intent to commit any felony, or is found by night in any dwelling-house or other building whatsoever with intent to commit any felony therein is guilty of a misdemeanor.

32 & 33 Vic., Chap. 21. As to other cases of house-breaking, see Crim. Law. (For trial.)

See "Burglary" as to "Entry," etc.

INCITING.—To commission of a crime. Indictable. (For trial.)

INDECENT.—Words, placards, pictures. See “Morals.”

INDECENT EXPOSURE.—The council of every township, city, town or incorporated village may pass by-laws for preventing indecent public exposure of the person and other indecent exhibitions. Rev. Stat. Ont., page 1728. (Summary.)

Indecent exposure is indictable and in case of no by-law or when by-law not sufficient the justice can commit prisoner for trial.

It is not necessary that the exposure should be made in a place open to the public. If the act be done where a great number of persons may be offended by it and several see it, it is sufficient. For example, bathing without any screen or covering near a public path frequented by females. See also “Morals.”

INDECENT ASSAULT.—Whosoever shall be convicted of any indecent assault upon any female shall be liable to be imprisoned for any term less than two years with or without hard labor and with or without whipping.

32 & 33 Vic., Chap. 20, Sec. 53 or Crim. Law. (For trial.)

Whosoever commits any indecent assault upon any male person is guilty of a misdemeanor. Penalty, penitentiary for any term not over ten nor less than two years or in any other place of confinement for any term less than two years with or without hard labor. 32 & 33 Vic., Chap. 20, Sec. 64 or Crim. Law Can. (For trial.)

INQUEST WITNESSES.—When a medical witness does not attend on the order of a coroner he shall forfeit \$40 upon the complaint of the coroner or any two of the jury acting at the inquest. Any two justices of either the county where inquest was held or that where the medical witness resides can enforce same by distress if the witness does not show a sufficient reason for disobeying the order. Order may be served personally or left at his residence in sufficient time for him to have obeyed the same. Rev. Stat. Ont. Chap. 79, page 877.

INTIMIDATION of parties or witnesses may be punished as for contempt, or indicted. (For trial.)

INJURY.—See “Malicious injury.”

INN-KEEPER.—See “Master and Servant.”

INN-KEEPER'S LIEN FOR ACCOMMODATION, ETC.—For lien on horses and other animals and power to sell see 45 Vic., Ont., 1882, Chap. 16, page 36.

INSANE.—Any justice of the peace having information under oath laid before him that a certain person is or is suspected to be insane and dangerous to be at large either to himself or some other person such justice may issue his warrant for such person. If after reasonable inquiry the justice is satisfied as to the truth of such information he shall commit such person to the common gaol until the pleasure of the Lieutenant-Governor be known or until he be discharged by law, otherwise he shall discharge such person.

The inquiry may be adjourned from time to time, and the prisoner committed to the common jail, lock-up or custody of the constable for safe custody until proper inquiry is made.

The justice should elicit the information asked for in the schedule below and return same with the depositions to the keeper of the gaol. See Rev. Stat, Ont., Chap. 220, page 2205.

SCHEDULE No. 2.

INFORMATION TO BE ELICITED ON ENQUIRY.

OF A PERSON CHARGED WITH BEING INSANE.

Under 36th Victoria, Cap. 31.

QUESTIONS.	ANSWERS.
1. The names in full and age of prisoner?.....	
2. Occupation, Religion, and Country?	
3. Whether married or single, and if single whether such person has ever been married?	
4. How many children, if any?	
5. Address of Parents or nearest Relatives, and in case of such Relatives, how connected?	
6. How long has Prisoner been insane?.....	
7. Duration of the present attack, and whether the first?	
8. How the insanity first showed itself, and the supposed cause?	
9. Whether any Delusions, and if so, what are they?	

10. Whether the Prisoner is suicidal or dangerous to others?
11. Whether any offence has ever been committed by the prisoner, and whether the prisoner has been convicted of the same, with all particulars?
12. Whether the prisoner is subject to epilepsy or paralysis?
13. Whether any of the other members of the Prisoner's family have suffered in a similar way, and whether the Prisoner has ever been in an Asylum, and if so, when and where?
14. What have been the habits of the Prisoner as to temperance, industry, and general conduct, and in what manner they have changed; whether such change has been recent, gradual, or sudden?
15. Whether the Prisoner has been subject to any bodily ailments, and if so, their nature? ..
16. Degree of Education of Prisoner, or any other information that will, in the opinion of the Justice or Justices, aid the Medici Superintendent in the treatment of the case?
17. Whether Prisoner is idiotic, imbecile or incurable?
18. Whether the friends of the Prisoner, or any of them, if such there be, is or are able to contribute to the maintenance of the Prisoner while in an asylum, and which if any such friends, and how much they, or any of them can contribute?
19. The information required by section eight of this Act, viz.:
 - a. Is prisoner possessed of any and of what property and where is it situated?
 - b. Number of persons, if any, dependent upon prisoner for support?

Signature of Committing Justice, _____

Post Office Address, _____

JUVENILE OFFENDERS.—Every person charged with having committed or attempted to commit, or with having been an aider, abettor, councillor or procurer in the commission of any offence which is simple larceny or punishable as simple larceny and whose age at the commission or attempted commission of such offence does not in the opinion of the Justice exceed sixteen

years shall upon conviction thereof in open court upon his own confession or upon proof be committed to the common gaol or other place of confinement for any term not over three months with or without hard labor, or shall forfeit or pay a sum not exceeding twenty dollars.

But the prisoner must first be asked by the Justices if he consents to be tried by them, and if he does not, they will either have to dismiss the case or send it for trial as to them seems just.

Even if the prisoner consents to be tried by them the Justices may send the case for trial if they are of the opinion that the charge is from circumstances a fit subject for prosecution by indictment.

32 and 33 Vic., Chap. 33 or Crim. Law. (Two Justices. Summary or for trial.)

KILLING USEFUL BIRDS.—It shall not be lawful to shoot, destroy, wound or injure, or attempt to shoot, destroy, kill, wound or injure any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, kingfishers, jays, crows, ravens and plover and black birds, and the birds mentioned in the "Game Act," or to take, capture, buy, sell, expose for sale or have in possession any bird except those mentioned, to set wholly or in part any net, trap, springs, snare, cage or other machine or engine by which any bird except those mentioned might be killed or captured, and any such instrument set as mentioned may be destroyed by any person.

It is not lawful to take, injure, destroy or have in possession any nest, young or egg of any bird except those mentioned above, and any person may seize on view any bird unlawfully possessed, and carry the same before any Justice to be by him confiscated and if alive to be liberated, and it is the duty of all market Clerks, Policemen and Constables, *on the spot*, to seize and confiscate, and if alive to liberate such birds.

Any Justice can fine for violation of this Act not less than one dollar nor more than \$20 with costs, the whole of such fine to be paid to the prosecutor unless the Justice has reason to believe he is in collusion with and for the purpose of benefiting the accused in which case the fine shall be paid over as in other cases.

In default of payment the Justice may imprison in the common gaol for not less than two nor more than twenty days.

Rev. Stat. Ont., C. 201, page 2009, and 41 Vic. Ont. C. 22. See "Game."

LARCENY is the felonious taking of the property of another without his consent and against his will with intent to deprive the owner of them. Every larceny whatever be the value of the property stolen shall be deemed to be of the same nature.

Whosoever steals any dog or any bird, beast or other animal kept in a state of confinement or for any domestic purpose or for any lawful purpose of profit or advantage not being the subject of larceny at common law or wilfully kills any such dog, bird, beast or animal with intent to steal the same or any part thereof shall on conviction before a Justice of the Peace be imprisoned in common gaol or house of correction for any term not over one month, with or without hard labor, or else shall pay over and above the value of the dog, bird, beast or other animal such sum of money not exceeding twenty dollars as to the Justice may seem meet.

Penalty for second offence, imprisonment for any term not exceeding three months with hard labor. 32 and 33 Vic., Chap. 21, Sec. 12 or Crim. Law.

Whosoever unlawfully and wilfully kills and wounds or takes any house-dove or pigeon under such circumstances, as do not amount to larceny at common law, shall, on conviction before a Justice of the Peace, forfeit and pay, over and above the value of the bird, any sum not exceeding ten dollars. 32 and 33 Vic., Chap 21, Sec. 13, or Crim. Law.

Whosoever steals or cuts, breaks, roots up, or otherwise destroys or damages, with intent to steal, the whole or any part of any tree, sappling or shrub, or any underwood wheresoever the same may be respectively growing (the stealing of such article or articles or the injury done being to the amount of twenty-five cents at the least), shall, on conviction thereof, before a Justice of the Peace, forfeit and pay over and above the the value of the article or articles stolen or the amount of injury done, such sum not exceeding \$25 as to the Justice may seem meet.

For second offence the penalty is imprisonment, for hard labor, not exceeding three months.

Committing the offence a third time after being twice convicted is felony.

When the value of the tree, etc., exceeds five dollars the offence is felony,

Whosoever steals, cuts, or breaks or throws down with intent to steal, any part of any live or dead fence, or any wooden post, pale, wire or rail set up or used as a fence, or any stile or gate, or any part thereof shall on conviction before a Justice of the Peace, forfeit and pay over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding \$20 as to the Justice may seem meet.

Penalty for second offence imprisonment at hard labor for not over three months. (Summary.)

If the whole or any part of any tree, sapling or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile or gate, or any part thereof, being of the value of twenty cents at the least, is found in the possession of any person, or on the premises of any person with his knowledge, and such person, being taken or summoned before a Justice of the Peace, does not satisfy the Justice that he came lawfully by the same, he shall on conviction by the Justice, forfeit and pay, over and above the value of the articles so found, any sum not exceeding ten dollars.

Whosoever steals, or destroys or damages with intent to steal, any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory shall on conviction before a Justice of the Peace be imprisoned in the common gaol or house of correction for not over one month, with or without hard labor, or else shall forfeit and pay over and above the value of the article or articles stolen, or the amount of the injury done, any sum not exceeding twenty dollars.

Committing the offence a second time is felony.

Whosoever steals, or destroys or damages with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the

cause of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard, pleasure ground, or nursery ground, shall on conviction before any Justice of the Peace be imprisoned in any gaol or house of correction for any term not over one month, with or without hard labor, or else to a fine not exceeding five dollars over and above the value of the article stolen, or the amount of the injury done, and in default of payment to be committed as aforesaid.

Penalty for second offence, imprisonment for any term not over three months, with hard labor.

As to offences in nature of larceny not otherwise provided for the 110th clause of the larceny act enacts that, Whosoever unlawfully and with intent to defraud, by taking, by embezzlement, by obtaining by false pretences, or *in any other manner whatever* appropriates to his own use, or to the use of any other person, any property whatsoever, real or personal, in possession or in action, so as to deprive any person temporarily, or absolutely of the advantage, use or enjoyment of any beneficial interest in such property in law or in equity, which such other person may have therein, is guilty of a misdemeanor. (For trial.)

For above, for offences, *re* ships in distress, wrecked, etc., and for all other offences in nature of larceny, see "Larceny Act." 32 & 33 Vic., Chap. 21, or Crim. Law.

LETTERS.—"Threatening, etc.," see "Extortion," "Threats."

LIBEL.—A malicious defamation made public either by printing, writing, signs, pictures or the like, tending either to blacken the memory of one who is dead, or the reputation of one who is alive, by exposing him or his memory to public hatred, contempt or ridicule.

Whosoever publishes or threatens to publish any libel upon any other person is guilty of a misdemeanor.

Whosoever directly or indirectly threatens to print or publish, or proposes to abstain from printing or publishing, or offers to prevent the printing or publishing of any matter or thing touching any other person, with intent to extort any money or security for money, or any valuable thing, from such or from any other person, or with intent to induce any person to confer

upon or procure for any person any appointment or office of profit or trust, is guilty of a misdemeanor. 37 Vic., 1874, Chap. 38. (For trial.)

Truth of the libel is no defence, unless it be also proved that it was for the public benefit that the matter should be published.

The gist of the crime, is the provocation to a breach of the peace by exciting feelings of revenge, anger, etc.

Examples of libel :

- I.—All words spoken of another which impute to him the commission of a crime punishable by law.
- II.—All words spoken of another which may have the effect of excluding him from society, as to say he has leprosy.
- III.—All words which may hurt or impair a man's trade or livelihood, as to call a doctor a quack, etc.
- IV.—For writing or publishing anything which renders another ridiculous or contemptible.

Literary criticisms are allowed, if fair and candid.

LIQUOR LICENSE ACT.—Rev. Stat. Ont., Chap. 181, page 1880.

All places where intoxicating liquors are sold shall be closed from seven o'clock Saturday night till six o'clock Monday morning. Except where a requisition signed by a licensed medical practitioner or by a Justice of the Peace is produced, nor shall any such liquor, whether sold or not, be permitted or allowed to be drunk in any such places during prohibited hours, except by the occupant or some member of his family, or lodger in his house.

Sale of liquor from vessels in port prohibited. Sec. 44.

Shop or wholesale licenses do not allow liquor to be drunk on the premises. Secs. 45 & 46.

Penalty for keeping open in prohibited hours, first offence, not less than \$20 with costs, or fifteen days in gaol, with hard labor.

By section 65 information may be laid without oath or affirmation but must be within thirty days of the offence.

By section 68 two Justices are required to hear and determine the cases mentioned therein, although one Justice may take information and issue summons.

Section 69 mentions the cases that may be heard by one J. P.

Section 53 gives power to two Justices to act in cases where taverns are proved to be riotous or disorderly; to annul or suspend the license altogether; *if this section was better known and acted upon by Justices there would soon be no disorderly taverns.*

Justices will take notice that there are different penalties under this act for the various offences named, and that what would be a proper conviction and penalty under section 43 would be held bad for a violation of the 39th section, the terms of imprisonment not being the same.

Making the term of imprisonment more or less than the number of days named in the act vitiates the conviction.

The penalty for violating section 39 is in section 51 which is amended by section 5 of 44 Vic., Ont., Chap. 27.

The penalty for violation of section 43 is in section 52.

Section 59 gives directions for the recovery of penalties by distress, etc.

In *no case* can a Justice remit, suspend, or compromise any penalty or punishment in the act. Section 58.

Any person may be the informant or prosecutor.

Sec. 35 and its sub-sections provides as to whom Justice shall pay fines, costs, etc., and also makes provision for cases in which the full amount cannot be collected. Under above, Justice should give certificates to the informant where cases are not fully proved, but in which he was fully justified in laying the information.

Section 60 states how penalties and costs shall be paid and applied in cases where the Inspector is not the informant.

Sections 71 and 72 deal with appeals.

Section 73 deals with cases other than "first offences"

By sections 74 and 75 and section 9 of 41st Ont. information may be changed or amended before sentence is given, even so far as to change the offence to any other offence under the act.

Section 80 shows the characteristics of houses where liquor may be presumed to be sold, unless it be clearly proved otherwise.

By section 81 where in any house known as a public house but unlicensed, liquor is proved to have been taken by some

person other than the occupant of said premises it shall be evidence that such liquor was sold.

By section 43 no liquor shall be drank on licensed premises during prohibited hours unless by occupant or actual lodgers or members of the family.

By section 74 it is not necessary in any information to state either the quantity or kind of liquor sold or disposed of, unless in cases where quantity is essential, as in case of a shop keeper a less quantity than three half-pints, or a tavern keeper selling a larger quantity than one quart at one time to any person.

Under section 83 the occupant of any house, shop, room or other place in which any barter or sale of liquor or any other offence under this act takes place is personally liable to the penalty for any such offence, even though such offence was committed without the consent or authority of such occupant, and by 44 Vic., Ont., Chap. 27, section 8 and sub-sections both the occupant and the person committing the offence are liable, but a conviction of one is a bar to the conviction of the other.

Section 84 shows what would be sufficient evidence to put defendant on his defence, and if he fails to rebut the same, he should be convicted.

Section 82 which makes it an offence to leave gas or light burning in the bar-room has been declared *ultra vires* by the High Court and therefore should not be acted on.

Sections 88, 89, 90 and 91 should be read and carefully considered by Justices *and by them made known*.

Section 94 plainly sets forth the duties of Policemen, Constables and License Inspectors and holds them all equally responsible for the enforcement of the License Act.

Section 97 fixes a penalty on any of the above officers failing to make or give information.

There are a number of forms attached to the act, suited to the various offences therein named, each form numbered, and the section which it comes under set forth, also for forms of conviction for first, second and third offences, the wording of which is not exactly the same as the usual convictions in other cases.

Where a form is given Justices should always follow same as closely as possible, and when no form is given then they should

follow the words of the statute creating the offence, as far as possible.

In case a Justice is doubtful as to the course to pursue, he should adjourn the matter or defer judgment until he can look more closely into or get advice in the matter of doubt.

LORD'S DAY.—It is not lawful for any merchant, tradesman, artificer, mechanic, workmen, laborer or other person whatsoever on the Lord's Day, to sell or publicly show forth, or expose, or offer for sale, or to purchase any goods, chattels, or other personal property, or any real estate whatsoever, or to do or exercise any worldly labor, business or work of his ordinary calling, (conveying travellers or Her Majesty's mail, by land or water, selling drugs or medicines, and other works of necessity and works of charity only excepted.)

Political meetings, tippling, games, amusements, hunting, shooting, fishing and bathing in public places on the Lord's Day are also prohibited.

Any person convicted of any of above acts on the oath of one or more than one credible witness shall be fined not over forty dollars and not less than one dollar, with costs, one-half of fine goes to informant and the other half to the treasurer of the county or city. (Summary.)

Prosecution for any of above acts must be commenced within one month after the commission of the offence. This act does not extend to Indians.

The words "or other persons," used in the second line of above mean of the same kind or class as the words merchant, tradesman, artificer, mechanic, workman or laborer, therefore a farmer would not come under this act.

MAINTENANCE.—An unlawful taking in hand or upholding of quarrels, or suits to the disturbance or hindering of common right as by maintaining or assisting either party with money or otherwise to prosecute or defend. (For trial.) See "Champerty."

MALICIOUS INJURY.—Chapter 22 of 32 & 33 Vic., 1869, Crim. Law, gives a great number of special cases coming under this head and the balance are covered by Sec. 59 as follows :

Whosoever unlawfully and maliciously commits any damage, injury or spoil to or upon any real or personal property what-

soever either of a public or of a private nature, for which no punishment is hereinbefore provided being to an amount over twenty dollars is guilty of a misdemeanor. (For trial.)

Justices of the Peace must either dismiss or send for trial except in the following cases,

9th section, as to setting fire to forest, tree, lumber, etc., by negligence, Justice may if matter not serious fine not over fifty dollars or in default of payment, imprison for not over six months until fine be paid with or without hard labor.

26th section, as to damaging trees, etc., to value of twenty-five cents or over, Justice may commit to gaol for not over one month with or without hard labor or to a fine of not over five dollars over and above the amount of injury.

27th section, as to destroying or damaging any fruit or vegetable Justice may commit to gaol for not over three months, with or without hard labor, or fine not over twenty dollars over and above the amount of injury done.

28th section, as to vegetables, etc., not growing in a garden, Justice may commit for not over one month, with or without hard labor, or may fine not over five dollars over and above amount of injury done.

29th section, as to damages to fences, gates, walls, etc., Justice may fine not over five dollars.

47 sec. as to killing or injuring any dog, bird, beast or other animal not being cattle.

Justice may commit for not over three months with or without hard labor, or a fine of not over one hundred dollars over and above amount of injury done.

55th sec., as to making fast any vessel or boat to any buoy, beacon or sea mark, Justice may fine not over ten dollars or in default of payment not over one month in gaol.

60th sec., as to offences not provided for, as follows:

"Whosoever unlawfully or maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, either of a public or private nature, shall be fined on conviction before a Justice of the Peace, not over twenty dollars over and above the amount of the damage, said damage not to exceed twenty dollars and to be paid to the party aggrieved, or

to be imprisoned for any term not over two months with or without hard labor, in default of payment of said sum of money and costs.

Whosoever aids, abets, counsels or procures the commission of any offence by this act, punishable on summary conviction, shall be liable as a principal.

- When a person summarily convicted does not pay his fine the Justice unless otherwise directed may commit him to gaol for any term not over two months, or until fine and costs paid, where same does not exceed twenty dollars or for a term not over three months where same is over twenty dollars.

Where any person is summarily convicted before a Magistrate of any offence against this act, and it is a first conviction, the Justice may if he so thinks fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damage and costs, or either of them, as shall be ascertained by the Justice.

MAILS.—To steal, embezzle, secrete or destroy any post letter is felony. To steal from out of a post letter any chattel, money or valuable security is felony.

Stealing post letters or post letter bags, opening unlawfully a post letter bag, stealing a post parcel or its contents, receiving stolen post letter or post letter bags, unlawfully issuing money orders and forging any postage stamp, etc., forging money order or depositors book, etc., stealing, embezzling, etc., mail-key or mail-lock, are all felonies.

Unlawfully opening, secreting, delaying, etc., any letter or bag, stealing, embezzling, secreting anything sent by mail not being a post letter, wilfully destroying anything sent by mail or parcel post not being a post letter, enclosing explosive substance in matter sent by post, removing with fraudulent intent, removing postage stamp or mark from any stamp, card, band or wrapper, cutting, ripping or wilfully damaging or destroying any post letter bag, being drunk on duty as a mail carrier, etc., refusing to allow mail to pass through toll-gate, delaying or refusing to carry mail over ferry, wilfully contravening regulations, soliciting or endeavoring to procure any person to do any act hereby made or declared a felony or misdemeanor, postmaster

with or of money mutilating official books, &c., postmaster, &c., pledging postage stamps and posting obscene or immoral book, pamphlet, picture, print, engraving or other publication of any indecent, immoral, seditious, disloyal, scurrilous or libellous character, &c., are all misdemeanors.

Embezzlement or unlawful use of money by post office official is a felony, and advising such offences is misdemeanor.

None but postmasters shall sell postage stamps, &c., without a license thereof. Penalty \$40.

Penalty for using stamp, &c., which has been used before, not less than \$10 or more than \$40.

Penalty for putting the sign "post office," or anything to same effect on a building without proper authority, fine of not more than \$10.

Any of above indictable offences may be tried and punished either in the place where committed or where the prisoner is arrested, or in custody.

Penalty of not over forty dollars may be recovered before any one Justice of the Peace in a summary manner, or if not paid levied by distress by such Justice, all other cases must be either dismissed or sent for trial. 38 Vic., Chap. 7, 1875, pp. 52-62.

To abandon or obstruct or wilfully delay the passage or progress of any mail, or any car, train, locomotive engine, tender, carriage, vessel, horse or animal employed in conveying any mail on any railway, public highway, canal, or water communication shall be a misdemeanor. 40 Vic., Chap. 35, 1877, page 168.

To post for transmission or delivery by or through the post any obscene or immoral book, pamphlet, picture, print, engraving, lithograph, photograph or other publication matter or thing of an indecent, immoral, seditious, disloyal, scurrilous or libellous character, or any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid, or any letter or circular concerning an illegal lottery, so-called gift concert, or other similar enterprise offering prizes or concerning schemes devised and intended to deceive and defraud the public for the purpose of obtaining money under false pretences, shall

be a misdemeanor. (For trial.) Stat. Can., 1883, 46 Vic., Chap. 18.

MANSLAUGHTER.—The unlawful killing of another without malice, either express or implied.

As to meaning of malice, see "Murder."

Whosoever is convicted of manslaughter shall be liable to be imprisoned for life, or any less term with or without hard labor, or to pay such fine as the court may award, in addition to or without any such other discretionary punishment as aforesaid.

Provided the fact of the killing can be traced to the prisoner, the Justice has no option but to commit for trial.

MASTER AND SERVANT.—Justice of the Peace may hear complaints by the servants against employers for ill-usage, refusal of necessary provisions ill-treatment, non-payment of wages, &c., may discharge such servant and order the payment of wages not exceeding forty dollars, and if same be not payed in twenty-one days may issue warrant of distress for the wages and costs.

Prosecutions under the master and servants act must be brought while the contract of employment exists or within one month after its close.

Tavern-keepers, &c., shall not keep wearing apparel of any servant or laborer for a greater amount than six dollars.

Complaints under this act may be prosecuted in any county in which the person complained against is found, and when the evidence of the complainant is taken the evidence of the defendant shall also be taken if tendered. See Rev. Stat. Ont., Chap. 133, page 1188.

As to breach of contract endangering life, person or property, re gas, water, railway companies, &c. See 40 Vic., 1877, Chap. 35. Imprisonment cannot now be imposed for non-payment of wages. (Summary.) By Stat. Ont., 43 Vic., 1880, appeals under this act are now made to the Division Courts, See "Appeals."

MASTERS AND MATES ACT.—Stat. of Can., 1883, 46 Vic., Chap. 28. For penalties for violation of, see Sections 7, 8 and 10.

MEDICAL ACT.—*Violation of.*—Any person not registered practicing medicine, surgery, midwifery for hire, gain or hope of reward, or practicing or professing to practice same, or advertising to give advice on the same for hire, gain or hope of reward is liable to a penalty of not over \$100 nor less than \$25.

Any person wilfully or falsely pretending to be a physician, doctor of medicine, surgeon, or general practitioner, or who assumes any title, addition or description other than he actually possesses or is legally entitled to is liable to a penalty of not over \$50, nor less than \$10.

Any person not registered under this act who takes or uses any name, title, addition or description, implying or calculating to lead people to infer that he is registered, or that he is recognized by law as a physician, surgeon, accoucheur, or a licentiate in medicine, surgery or midwifery is liable to a penalty not over \$100 nor less than \$25.

Any Justice of the Peace may convict and fine as above, impose costs, and in default of payment of fine and costs, commit to the common gaol for not over one month.

Prosecution must be commenced within one year from offence. Party charged must prove registration, and the fine must be paid by the Justice to the Registrar of the college of physicians and surgeons. Rev. Stat. Ont., Chap. 142.

MILITIA ACT.—Stat of Can. 1883, 46 Vic., Chap. 11. For penalties for violation of, see Sections 75 to 90.

MILL DAM.—Every owner or occupier of a mill dam at which an apron or slide is required to be constructed, who neglects or refuses to make and construct or keep in repair the said apron may be fined two dollars for every day of such neglect by any two Justices of the Peace for the county where such offence was committed.

In the District of Huron the apron shall be 28 feet wide if the dam or weir is of greater width, and if not, then of the same width as the dam or weir, and at least 8 feet in length for every foot rise of such dam or weir, and any two Justices of the county in which the above is not complied with, may impose a fine of one dollar for each day's offence on the oath of one credible witness. In default of payment, distress warrant may be issued.

One-half the fine to Her Majesty and one-half to the informant. Rev. Stat. Ont., Chap. 113.

MORALS PUBLIC.—The councils of townships, cities, towns or incorporated villages may pass By-laws for preventing cruelty to animals, destruction of birds, imposing a dog tax, killing dogs

running at large contrary to By-laws, preventing growth of Canada thistles and other weeds, for preventing the sale and gift of intoxicating drink to a child, apprentice or servant without the consent of a parent, master or legal protector.

For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places.

For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency.

For suppressing disorderly houses and houses of ill-fame, for preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement.

For preventing horse racing.

For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place.

For preventing indecent public exposure of persons and other indecent exhibitions.

For preventing or regulating the bathing or washing the person in any public water in or near the municipality. See "By-laws," "Obscene Books."

MISPRISION.—A term applied to all great misdemeanors, which have no other legal name.

MURDER.—When a person of sound memory and discretion unlawfully killeth any reasonable creature in being in and under the Queen's peace with malice aforethought, either express or implied. (Law—presumes malice in homicide.)

Whosoever is convicted of murder shall suffer death as a felon.

NEGLECTING TO PROVIDE FOR WIFE, CHILD, SERVANT, &c.—Whosoever being legally liable, either as a husband, parent, guardian or committee, master or mistress, nurse or otherwise, to provide for any person as wife, child, ward, lunatic or idiot, apprentice or servant, infant or otherwise, necessary food, clothing or lodging, wilfully and without lawful excuse, refuses or neglects to provide the same, or unlawfully or maliciously does, or causes to be done, any bodily harm to any such apprentice or servant

so that the life of such apprentice or servant is endangered, or the health of such apprentice or servant has been, or is likely to be, permanently injured, is guilty of a misdemeanor.

Penalty imprisonment for any term not over three years, with or without hard labor. 32 and 33 Vic., Chap. 20, S. 25, or Crim. Law.

NUISANCES—Two kinds, public and common. Justices must send for trial in both cases. The thing complained of must be such as in its nature or its consequences is a nuisance, an injury or damage to all persons who come within the sphere of its operation, though it may be in greater or less degree.

All disorderly houses are nuisances and may be indicted.

No length of time will legalize a public nuisance.

The non-repair of a highway, or the obstruction thereof, is an indictable nuisance.

The circumstance that the thing complained of furnishes on the whole a greater convenience to the public than it takes away, is no answer to an indictment for a nuisance.

OATHS.—Justices of the Peace shall not take, or cause or allow to be taken, or receive or cause, or allow to be received, any oath, affidavit or solemn affirmation, except in the trial, prosecution or punishment of any offence, or in the preservation of the Peace, unless same is required or authorized by the laws of the Dominion or Province, or is required by the laws of any foreign country to give validity to instruments in writing to be used in such foreign country.

Justices may receive solemn declarations annexed in attestation of the execution of any written deed or instrument, or allegation of fact, or of any account rendered in writing.

FORM OF DECLARATION.

"I do solemnly declare (state fact or facts declared to) and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the act passed in the 37th year of Her Majesty's reign, intituled an act for the suppression of voluntary and extra judicial oaths."

Declared before me this day of, &c., &c.
See 37 Vic., Chap. 37.

J. P.

OBSCENE BOOKS.—The procuring obscene prints and libels for the

purpose of afterwards publishing and distributing them is indictable, and the sale of an obscene book is a misdemeanor, even although a good object is intended to be served thereby. (For trial.)

For obscene language, placards, &c., see "Morals," "Mails."

OFFENDERS.—See "Juvenile."

PAWNBROKER'S ACT.—Rev. Stat. Ont., Chap. 148, page 1297.

Information for an offence under this Act must be laid within 12 months from date of offence.

PEACE.—Near Public Works. 32 and 33 Vic., Chap. 24, and 33 Vic., Chap. 28, or Crim. Law, Can.

PENITENTIARY ACT.—Stat. of Can., 46 Vic., 1883, Chap. 37.

For offences and penalties, see Sections 54, 55, 56, 57, 58, 59, 62 and 63. (Summary or for trial.)

PERJURY.—Anyone who, when a lawful oath, affirmation or declaration is administered to him by a competent officer, swears wilfully, absolutely and falsely in a matter material to the issue or point in question, is guilty of perjury.

If the false oath, &c., is made out of Canada, but to be used in Canada, the person making same may be found guilty of perjury in Canada.

Any person accused of perjury may be tried, convicted and punished in any district, county or place where he is apprehended or is in custody. 32, 33 Vic., Chap. 23, or Crim. Law.

It is immaterial whether the fact which is sworn to, be in itself true or false. The question is, "Did the prisoner believe what he said to be true."

Not necessary that any person be damaged by it.

Two witnesses are required to contradict what the accused has sworn to.

It will do, however, if one flatly contradicts and the other materially corroborates that contradiction.

PREACHING IN OPEN AIR.—Is legal unless it amounts to a nuisance to the public, or the neighbors, or the public streets are obstructed. Offender should be first requested to move on.

PEDLARS.—See "By-laws." Peddling or disposing of goods manufactured in the county is not under by-law.

PERSON STEALING FROM.—See "Robber."

PERSONATION.—See "False Personation."

PETTY TRESPASS.—See "Trespass."

PIRACY.—Any acts of robbery and depredation committed upon our Great Lakes (although in American waters) which, if committed on land, would have amounted to felony, are piracy. (For Trial.)

PROSTITUTES.—See "Vagrancy."

POISON.—Unlawfully applying or administering, or causing to be taken, or attempting to apply, administer, or cause to be taken any chloroform, laudanum, or other stupifying or overpowering drug, matter or thing with intent to enable himself or some other person, or with intent to assist any other person in committing an indictable offence, is felony.

Unlawfully and maliciously administering, or causing to be administered to or taken, any poison or destructive or noxious thing so as to endanger the life of the person taking, or to inflict upon such person any grievous bodily harm, is felony.

Unlawfully and maliciously administering, or causing to be administered or taken by any other person, any poison or other destructive or noxious thing with intent to injure, aggrieve or annoy such person, is a misdemeanor. 32, 33 Vic., Chap 20, or Crim. Law.

PRIZE FIGHTING.—See Stat. Can. 44 Vic., Chap. 30, Page 175. See "Challenge." (Summary or for trial.)

POST OFFICE.—See "Mail."

POSTAGE STAMPS.—See "Mail."

PUBLIC MORALS.—See "Morals."

PUBLIC WORSHIP.—See "Worship."

PRETENCES.—See "False Pretences."

PRISON BREACH.—See "Escape."

POSSESSION.—As to having counterfeit coin or tools, or gold or silver clippings, filings, etc., see "Coin."

As to having in possession deer, game, etc., out of season, see "Game."

Recent possession of stolen articles not easily transferable is good evidence that the holder stole them, or received them knowing them to have been stolen. See "Receiving."

PUBLIC PARKS ACT.—Penalties, etc., for violating, see Stat. Ont. 46 Vic. 1883, Chap. 20.

PUBLIC SCHOOL ACT.—*Violation of.*—Any Justice in any village, township or town where there is no Police Magistrate may investigate and decide upon complaint by trustees, or any person authorized by them against any parent or guardian for violation of compulsory education law, and fine not over \$5 for first wilful offence, and double that penalty for every subsequent offence, and in default of payment may issue distress, and in default of distress can imprison for 30 days, unless fine and costs are sooner paid, but the Justice is not bound to imprison. S. 211.

In case any annual or other rural school meeting has not been held for want of proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit \$5 before any Justice on complaint by any resident inhabitant in the rural school section. S. 218.

Any person who wilfully disturbs, interrupts, or disquiets any school meeting, any public school or other school by rude or indecent behaviour, or by making a noise either within the school or so near thereto as to disturb the order or exercises of a school, shall for each offence, on conviction before a Justice, on the oath of one credible witness, forfeit and pay a sum not over \$20 and costs. In default of payment of fines, etc., under this Act, a Justice may issue distress, and in default of distress imprison for 30 days unless the fine and costs, etc., are sooner paid. S. 249. (Summary.)

For above and other penalties see "Public School Act," Rev. Stat. Ont., Chap. 204, Pages 2031 to 2114. [This Act should be read carefully.]

"PUBLIC MEETINGS" ACT.—As to law *re* public meetings, see Rev. Stat. Ont., Chap. 177, page 1809. (Summary or for trial.)

PUBLIC BUILDINGS.—*Egress from.*—The doors of all churches, theatres, halls or other public buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement shall be hinged to open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept opened by proper fastenings while such buildings are publicly used, to allow free egress in case of alarm from fire or other cause. Penalty of not over \$50 before any two Justices.

One-half the penalty to be paid to the prosecutor and the other half to the municipality. In cities, towns and incorporated villages it is the duty of the High Bailiff, Chief Constable or Chief of Police to enforce this act under a penalty for neglecting to do so, of not over \$50, recoverable as in above case. This act does not apply to convents or private chapels connected therewith. Rev. Stat. Ont., Chap. 193, Page 1976. (Summary. Two Justices.)

RAPE.—The offence of having carnal knowledge of a woman by force against her will.

Whosoever commits the crime of rape is guilty of felony. Penalty "Death," or imprisonment for life or not less than seven years. 36 Vic. Chap. 50.

Assaulting a woman or girl with intent to commit rape is a misdemeanor.

Whosoever by false pretences, false representations or other fraudulent means procures any woman or girl under the age of 21 years, to have illicit or carnal connection with any man, other than the procurer, is guilty of a misdemeanor.

Unlawfully and carnally knowing and abusing any girl under the age of ten years is felony.

Unlawfully and carnally knowing and abusing any girl between the ages of ten and twelve is a misdemeanor.

Attempting to have carnal knowledge of any girl under twelve years of age is a misdemeanor. 32, 33 Vic. Chap. 20, or Crim. Law.

Husband cannot commit rape upon his wife, and a boy under fourteen is presumed in law to be physically incapable, but both may be convicted as principals for aiding and abetting.

RECEIVING STOLEN GOODS.—Receiving any chattel, money, valuable security or other property whatsoever (the stealing, taking, extorting, obtaining, embezzling and otherwise disposing of amounting to a felony), knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled or disposed of, is a felony. (For trial.) 32, 33 Vic. Cap. 21, or Crim. Law.

Receiving any chattel, money, valuable security or other property whatsoever (the stealing, taking, obtaining, converting or disposing whereof is a misdemeanor under the Larceny Act,)

knowing the same to have been unlawfully stolen, taken, obtained, converted or disposed of is a misdemeanor. (For trial.) 32, 33 Vic. Chap. 21, or Crim. Law.

The goods being found in prisoner's possession is good presumptive evidence of his having received them, knowing them to have been stolen.

Manual possession not necessary ; sufficient if the receiver has a control over the goods.

Receiver may be tried in any place where he has had the goods, where he has received them, or where the principal offender may be tried.

Receivers of property where the original offenders are punishable on summary conviction may also be tried summarily, and are liable to the same punishment as the original offender. 32, 33 Vic. Chap. 21, Crim. Law.

RAILWAY—Offences.—Placing anything on a railway, or taking up, removing, or displacing any rail, sleeper or other matter or thing belonging to any railway ; or turning, moving, or diverting any point or other machinery belonging to any railway, or making, or showing, hiding or removing any signal or light upon or near any railway, or doing or causing to be done any other matter or thing with intent to obstruct, upset, overthrow, injure, or destroy any engine, carriage, or truck, using such railway, is felony. (For trial.)

Whosoever, by any unlawful act, or by any wilful omission or neglect obstructs, or causes to be obstructed any engine or carriage, using any railway, or aids or assists therein, is guilty of a misdemeanor. (For trial.) 32, 33 Vic. Chap. 22, or Crim. Law.

REFUSING TO ASSIST CONSTABLES.—Indictable offence. (For trial.)

No defence that the single aid of the accused could have been of no avail, provided there was no physical impossibility to prevent him assisting.

RESCUE.—See "Escape."

REVENUE ACT.—Stat. of Can. 1883, 46 Vic., Chap. 15.

See "Customs and Smuggling."

RIOTS.—Each and every Justice of the Peace, Sheriff, Deputy-Sheriff, Mayor, and other head officer, within the limits of their respective jurisdiction, shall on notice or knowledge of any such

unlawful, riotous and tumultuous assembly of persons to the number of twelve or more, resort to the place where such unlawful, riotous and tumultuous assembly is, and there make, or cause to be made, proclamation in manner following:—"Our Sovereign Lady, the Queen, chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their habitations or to their lawful business, upon the pains contained in the Act respecting Riots and Riotous assemblies. God save the Queen."

If they do not disperse within one hour they shall be seized and apprehended and taken before one or more of Her Majesty's Justices of the Peace to be proceeded against according to law. (For trial.)

Persons suppressing riots are justified even though the death of a rioter ensue on account of his resisting the persons suppressing or apprehending or endeavoring to suppress or apprehend them.

Prosecution must be commenced within twelve months. 31 Vic. Chap. 70, or Crim. Law.

REWARD.—Corruptly taking any money or reward directly or indirectly under pretence or upon account of helping any person to any chattel, money, valuable security or other property whatsoever, which by any felony or misdemeanor has been stolen, taken, obtained, extorted, embezzled, converted or disposed of unless all due diligence has also been used to cause the offender to be brought to trial for the same is felony. 32 and 33 Vic. Chap. 21, or Criminal Law.

As to advertising reward for stolen goods without questions being asked, see 32 and 33 Vic. Chap. 21, Sec. 116, or Criminal Law.

RIVERS AND STREAMS.—Persons throwing or owners or occupiers of mills permitting to be thrown into any river, rivulet or water-course any slabs, bark, waste stuff or other refuse of any saw-mill (except sawdust) or any stumps, roots, shrubs, tan-bark or waste wood, or leached ashes, are liable to a penalty not over twenty dollars or less than twenty cents.

Persons felling or causing to be felled in or across any such river or water-course, any timber or growing or standing tree

and allowing the same to remain in or across such river or water-course are liable to the same penalty.

Above not to apply to any dam, weir or bridge erected in or over any such river, rivulet or water-course, or to anything done *bona fide* in or for erecting the same or to any tree cut down or felled across any such river, rivulet or water-course for the purpose of being used as a bridge, provided such tree does not impede the flow of water or the passing of rafts.

Rivers where salmon, pickerel, black bass, or perch do not abound are not included.

Fines not exceeding \$20 may on the oath of one credible witness be recovered with costs before any one or more Justices of the Peace.

One-third goes to informer, two-thirds to municipality.

As to above and to floating timber down streams, see Rev. Stat. Ont. Chap. 116.

ROADS—Joint Stock.—As to penalties for injuring or otherwise interfering with roads or violating the Act, see Rev. Stat. Ont. Chap. 152, Pages 1311 to 1379. (Summary or for trial.)

ROBBERY.—The felonious and forcible taking from the person of another, or in his presence against his will, of any money or goods to any value whatever by violence or putting him to fear. Penalty, imprisonment for any term not over fourteen years. As to assault with intent to rob, &c., see 32. 33 Vic. Chap. 21, S. 39, 42, or Crim. Law. (For trial.)

SAWDUST.—Putting in stream. See end of chapter.

SNOW ROADS—Double. As to Act and penalties, see Rev. Stat. Ont., Chap. 185, page 1917 and Chap. 180, Sections 215, 216, 217, Page 1875. (Summary.)

SHEEP KILLING.—See "Dog Tax."

STOLEN GOODS.—Advertising for.—See "Reward or Advertisement."

STOLEN PROPERTY.—Bringing into Canada. See "Larceny." "Receiving."

SERVANT.—See "Master and Servant."

SLANDER.—Magistrates have no jurisdiction except where words used tend directly to a breach of the peace. Justice may then bind to keep peace or even commit for trial. See "Libel."

SUBORNATION OF PERJURY.—The procuring another to take such a false oath as constitutes perjury.

See "Perjury," same offence.

SMUGGLING.—If any person with intent to defraud the revenue of Canada, smuggles, or clandestinely introduces into Canada, any goods subject to duty, or makes out or passes, or attempts to pass through the Custom House, any false, forged, or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty, or of any part of the duty on any goods, such goods shall be seized and forfeited; and every such person, his aiders, and abettors, shall in addition to any other penalty or forfeiture to which he and they may be subject for such offence, be deemed guilty of a misdemeanor, and on conviction shall be liable to a penalty of not less than fifty dollars, or more than two hundred dollars, or to imprisonment for a term not less than one month, nor more than one year, or to both fine and imprisonment within the said limits, in the discretion of the Court before whom the conviction is had. S. 153.

For above and other offences and penalties under Customs Act. See Stat. Can. 1883, 46 Vic Chap. 12.

SODOMY.—Whosoever is convicted of the abominable crime of buggery committed either with mankind or with any animal shall be liable to imprisonment for life or any less term.

Attempting to commit said crime, assault with intent to commit the same, and indecent assaults upon any male person are all misdemeanors.

Penalty, imprisonment for ten years or any less time with or without hard labour. The consent of the party on whom it was perpetrated is no defence. Both parties if consenting, are equally guilty. In the case of a boy under fourteen, it is felony in the other only.

SUICIDE.—Attempt to commit suicide is a misdemeanor. Magistrates should commit for trial.

SUNDAY.—See "Lord's Day."

STATUTE LABOR—Non-payment, &c.—Every male inhabitant of a city, town or village between the age of 21 and 60 years, who has not been assessed upon the assessment roll or whose taxes do not amount to two dollars or who is not otherwise exempt

shall be taxed yearly two dollars, and in case of neglect to pay the same within two days after demand thereof by the collector, the said collector may levy the same by distress of goods and chattels of the defaulter with costs of the distress, and in default of sufficient distress, upon summary conviction before any Justice of the Peace of the county, of such refusal or neglect and of there being no sufficient distress he shall incur a penalty of \$5 with costs, and in default of payment at such time as the Justice may order, he shall be committed to the common gaol at hard labor for not over ten days unless such penalty and costs of commitment are sooner paid.

Every male inhabitant of a township coming under above description shall be liable to two days' statute labor, which may be commuted by the township council to any sum not exceeding one dollar a day. In case the statute labor is not commuted and in case of wilful neglect or refusal to perform such labor after six days' notice requiring him to do the same, he shall be liable upon conviction before any Justice of the Peace to the same penalties as in the above section mentioned.

As to above and other penalties, see "Assessment of Property Act." Rev. Stat. of Ont., Chap. 180, page 1819. *All Justices should read the above Act carefully.*

SURETIES FOR THE PEACE.—If a Justice of the Peace be satisfied upon oath that a party has reasonable ground to fear, either from the direct threats of another, or from his acts or words that such other person will inflict or cause to be inflicted upon him some personal injury, or that such person will burn his house or cause it to be burnt, the Justice is bound to bind the defendant over to keep the peace, or commit him to gaol in case he can not give sureties.

The same also if the threats be used against the wife or child of the party.

The complainant must state under oath that he does not make this complaint against nor require such sureties from the said from any malice or ill-will, but merely for the preservation of his person from injury (or as the case may be.)

The defendant cannot contradict the truth of the facts alleged in the complaint, all that he can do is to show that the complaint is preferred from malice or ill-will or explain the ambiguous parts.

The Justice may bind the party over for any limited time or until the next General Sessions. The amount of the security required is entirely in the discretion of the Justice.

If the Justice orders sureties to be given and the defendant either refuse to give them or cannot do so, the Justice should commit him.

The warrant of commitment must say a time certain during which the party is to be imprisoned, it should show the date on which the threats, &c., occurred, and should set forth that complainant is apprehensive of bodily fear.

In case of juvenile offenders, if the Justice considers it not expedient to punish the party they may require him to find sureties for his good behavior. 32 and 33 Vic., Chap. 33.

Any person having upon his person a pistol or air-gun, without reasonable cause to fear an assault or other injury to his person, or his family or property, may be required to find sureties to keep the peace for a term not over six months. 40 Vic., Chap. 30.

It is general practice to bind over for six or twelve months either in the parties own recognizance or in one or more sureties as to the Justice seems proper. The guarantee given should be sufficient to insure the defendant's good behavior.

SURVEYORS DOMINION LAND.—For penalties for interfering with surveyor or land marks, &c., see Stat. of Can. 1883, 46 Vic., Chap. 17. Sections 121, 122.

SURVEY ACT.—*Violation of.*—Interrupting or hindering any land surveyor while in the discharge of his duty as a surveyor is a misdemeanor. Rev. Stat. Ont. Chap. 146, Page 1294. (Justices must bail or commit for trial.)

Knowingly and wilfully defacing, altering or removing any landmark, post or monument placed by any land surveyor to mark any limit, boundary or angle of any township, concession, range, lot or parcel of land in Ontario, is a misdemeanor. Rev. Stat. Ont. Chap. 146, page 1294. (For trial.) See also Stat. Can., 36 Vic., Chap. 17, Page 319.

STEALING.—See "Larceny."

STRIKES.—See "Violence," "Trade Unions."

SWEARING.—Profane, see "Morals."

TELEGRAPH SECRETS.—Any telegraph operator or other person in

the employ of a telegraph company who discloses the contents of any telegram, except when lawfully authorized or directed to do so, is liable to a fine of not less than \$50 nor over \$100, or to imprisonment for 6 months or to both fine and imprisonment. 44 Vic., Chap., 26, Sec. 6.

TELEGRAPH.—*Injuries to.*—Whosoever unlawfully and maliciously cuts, breaks, throws down, destroys, injures or removes any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of or being used or employed in or about any electric or magnetic telegraph or in the working thereof, or unlawfully and maliciously prevents or obstructs in any manner whatsoever, the sending, conveyance or delivery of any communication by any such telegraph, is guilty of a misdemeanor. (For trial.)

For attempting by any overt act to commit any of above offences any Justice of the Peace may imprison offender for any term not over three months with or without hard labor, or else impose a fine not exceeding fifty dollars. 32 and 33 Vic., Chap. 22, Sec. 41 and 42, or Crim. Law.

THREATS.—See "Assault," see "Sureties for Peace," see "Extortion," see "Violence."

THREATENING LETTERS.—See "Extortion."

Whosoever maliciously sends, delivers or utters or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, is guilty of felony. 32 and 33 Vic., Chap. 20, Sec. 15, or Crim. Law. (For trial.)

Whosoever sends, delivers or utters or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any house, barn or other building, or any rick or stack of grain, hay or straw, or other agricultural produce, or any grain, hay or other agricultural produce in or under any building, or any ship or vessel, or to kill, maim, wound, poison or injure any cattle, is guilty of felony. 32 and 33 Vic., Chap. 22, Sec. 58, or Crim. Law. (For trial.)

TIMBER TOLLS ON GOVERNMENT SLIDES.—Penalties &c., for violation of Act. See Stat. Can. 46 Vic., 1883, Chap. 16, Sec. 5, 6, &c.

TRADE MARKS.—It is a misdemeanor for any person other than the

one who has the trade mark registered, to mark any goods or any article of any description whatever, with any registered trade mark, or to use any marked package which has been used by the proprietor of such trade mark or to knowingly sell or offer for sale any article marked with such trade mark with intent to deceive and induce persons to believe that such article was manufactured, produced, compounded, packed, or sold by the proprietor of such trade mark. 31 Vic., Chap. 55, Sec. 7. (For trial.)

Every person who with intent to defraud, or to enable another to defraud any person, forges or counterfeits, or causes or procures to be forged or counterfeited any trade mark, or applies or causes or procures to be applied, any trade mark or any forged or counterfeit trade mark, to any chattel or article not being the manufacture, workmanship, production or merchandise of any person denoted or intended to be denoted by such trade mark, or not being the manufacture, workmanship, production or merchandise of any person whose trade mark is so forged or counterfeited, is guilty of a misdemeanor.

Applying or causing or procuring to be applied any trade mark, or any forged or counterfeited trade mark to any chattel or article not being the particular or peculiar description of manufacture, workmanship, production or merchandise, denoted or intended to be denoted by such trade mark or by such forged or counterfeited trade mark, is a misdemeanor.

For above and other offences *re* fraudulent marking, selling, &c., of merchandise, see 35, Vic., Chap. 32, or Crim. Law. (For trial.)

TRADE UNIONS.—Workmen can legally combine together and form "trade unions" and "societies" for the purposes of protecting and furthering their own interests and can stipulate with their employers the terms on which they will work for them.

But they must not interfere with those workmen not in the "union" or "combination," nor must they interfere with the rights of the masters to have their contracts duly carried out. If they transgress they may be indicted for conspiracy. (For trial.) 35 Vic., Chap. 31. and 39 Vic., Chap. 37.

TREASON.—Whosoever within Canada or without, compasses, im-

agines, invents, devises, or intends death or destruction, or any bodily harm tending to death or destruction, maiming or wounding, imprisonment or restraint of our Sovereign Lady the Queen, her heirs, or successors, by any overt act or deed, is guilty of treason, and shall suffer death. See 31 Vic., Chap. 69, or Crim. Law. (For trial.)

TREES—Larceny of.—See "Larceny." See "Highway."

See "Fruit Trees," "Yellows."

Any person who ties or fastens any animal to, or injures or destroys a tree planted and growing upon any road or highway, or upon any public street, lane, alley, place or square in this Province (or upon any boundary line of farms, if any such bonus or premiums as aforesaid has been paid therefor), or suffers or permits any animal in his charge to injure or destroy, or who cuts down or removes any such tree without having first obtained permission so to do by special resolution of the Council of the municipality, shall, upon conviction thereof be ore a *Justice of the Peace*, forfeit and pay such sum of money, not exceeding twenty-five dollars, besides costs, as such Justice may award, and in default of payment the same may be levied of the goods and chattels of the person offending, or such person may be imprisoned in the common gaol of the County, within which the municipality is situate, for a period not exceeding thirty days. One half of such fine shall go to the person laying the information, and the other half to the municipality within which such tree was growing. See Stat. Ont., 1883, 46 Vic., Chap. 26, S. 9.

THISTLES.—Any occupant of land who knowingly suffers Canada thistles to grow thereon and the seed to ripen so as to cause or endanger the spread thereof, is liable to a fine of not more than ten or less than two dollars.

Any person who knowingly vends any grass or other seed among which there is any seed of the Canada thistle, is liable to a fine of not more than ten nor less than two dollars. Rev. Stat. Ont., Chap. 188, page 1954.

THRESHING MACHINES, &c.—All persons owning or running any threshing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of

shafting, shall cause each of the knuckles, couplings or joints, and jacks of such tumbling rod or line of shafting to be safely boxed or secured while running with wood, leather or metal covering, in such manner as to prevent injury to persons passing over or near such tumbling rod, and the knuckles, couplings or joints and jacks thereof; and shall cause all oiling cups attached to arbors or journals to which driving belts are attached, to be furnished with tubes of tin or other material, which shall extend above the belts in such manner as shall prevent damage from oiling when the machine is in motion; and shall cause a driver's platform to be placed on *any horse power* used for driving machinery of such size as to cover the gearing constituting said horse-power, and in such manner as to prevent accident arising to any person from contact with said gearing.

Penalty, fine not over \$20 or under \$1; and in default imprisonment not over 20 nor under 2 days.

One-half fine goes to prosecutor and one-half to the treasurer of school section.

Proceedings must be taken within 30 days after offence.
Rev. Stat. Ont., Chap. 193, page 1977. (Summary.)

TAX.—Taxes on dogs, see "Dogs."

TRESPASS.—The owner or occupant of any land shall be responsible for any damage or damages caused by any animal or animals under his charge or keeping, as though such animal or animals were his own property, and the owner of any animal not permitted to run at large by the By-laws of the Municipality shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such By-laws.

If not previously replevied, the pound-keeper shall impound any horse, bull, ox, sheep, goat, pig, or other cattle, geese or any other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any person residing within his division who has distrained the same; or if the owner of any geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbor's premises after a notice in writing has been served upon him of their trespass, then the owner of any such poultry may

be brought before any Justice of the Peace, and fined such sum as the Justice directs.

For above and other particulars, *re* "Pounds," see Revised Statutes Ont., page 1982, Chap. 195.

Every fine and penalty imposed by this Act may be recovered and enforced, with costs by summary conviction, before any Justice of the Peace for the county in which the offence was committed, and, in default of payment, offender may be imprisoned in the common gaol, house of correction or lock-up house of such county or municipality for any time not over fourteen days, unless such fine, penalty and costs, and costs of committal be sooner paid. Above Act not to apply where the following is acted on :

The Council of every township, city, town and incorporated village, may also pass By-laws.

1. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound.

2. For restraining and regulating the running at large or trespassing of any animals, and providing for impounding them ; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law.

3. For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Ontario or of the municipality.

4. For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. Rev. Stat. Ont., Chap. 174, S. 463, page 1729.

TRESPASS.—*Petty.*—Any person who unlawfully enters into, comes upon, or passes through, or in any way trespasses upon, any land or premises whatsoever, being wholly inclosed, and being the property of any other person, shall be liable to a penalty of not less than one dollar, nor more than ten dollars, for any such offence, irrespective of any damage having or not having been occasioned thereby. Justice may convict on oath of one credible witness, but above does not extend to any case where the party

trespassing acted under a *fair and reasonable* supposition that he had a right to do the act complained of. See 25 Vic., Chap. 22, page 46, Canada, 1862.

Any person found committing any such trespass as aforesaid, may be apprehended without a warrant by any Peace officer, or by the owner of the property on which it is committed, or the servant, or any person authorized by him, and be forthwith taken to the nearest Justice of the Peace, to be dealt with according to law.

Justices of the Peace cannot hear and determine any case of trespass in which the title to any land, or any interest therein or accruing thereupon shall be called in question or affected in any manner howsoever. Con. Stat. U. C., Chap. 105, page 947.

TIMBER ADRIFT.—Appropriating.—Whosoever, without the consent of the owner thereto, takes, holds or keeps in his possession, or collects or conceals, or receives, or appropriates, or purchases, or sells, or causes, or procures, or assists to be taken possession of, or collected, or concealed, or received, or appropriated, or purchased, or sold any timber, mast, spar, saw-logs or other description of lumber found adrift in any river, stream or lake, or cast ashore on the banks or beach of any stream, river or lake, or whosoever without the consent of the owner thereof, wholly or partially defaces, or adds, or causes or procures to be defaced or added, any mark or number on any such timber, mast, spar, saw-log or other description of lumber, or whosoever makes or causes, or procures to be made any false or counterfeit mark on any such timber, mast, spar, saw-log or other description of lumber, or whosoever refuses to deliver up to the proper owner thereof, or to the person in charge thereof on behalf of such owner, or authorized by any such owner to receive the same, any such timber, mast, spar, saw-log, or other description of lumber, *is guilty of a misdemeanor* punishable in like manner as simple larceny.

Possession by any such offender, or by others in his employ, or on his behalf of any such timber, mast, spar, saw-log, or other description of lumber, duly marked with a registered timber mark, shall in all cases throw upon the person charged the burden of proving that such article came lawfully into his

possession or the possession of such others in his employ, or on his behalf as aforesaid.

Any constable or peace officer who has reasonable cause to suspect that any such timber as aforesaid, belonging to and bearing the registered trade mark of any lumberman or owner is kept or detained in any saw-mill, mill-yard, boom or raft without the knowledge or consent of the owner, can lawfully enter into or upon the same and search or examine for such timber, &c., as aforesaid. See 38 Vic., Chap. 40, page 225, 1875.

TIMBER.—*Transmission of.*—As to penalties under this Act, see Rev. Stat. Ont. Chap. 153, page 1385 to 1395. (Summary or for trial.)

TRUSTEE—*Breach of.*—See “Embezzlement.”

UNLAWFUL ASSEMBLIES, COMBINATIONS, &c.—See “Riot.”

UNLAWFUL OATHS.—See “Purjury Oaths.”

UNLAWFUL WOUNDING.—See “Assault.”

UNNATURAL OFFENCE.—See “Sodomy.”

UTTERING.—See “Forgery,” “Counterfeiting.”

UNLAWFUL TRAINING TO ARMS.—31 Vic., Chap. 15, Can., prohibits and authorizes any Justice of the Peace to disperse all meetings and assemblies of persons held for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for practising military exercises, movements or tactics, without lawful authority for so doing. The persons attending may be arrested and committed for trial if not bailed.

Persons having arms or ammunition in their possession or carrying same for any unlawful purpose may be arrested and the arms and ammunition seized and detained. (For trial.)

UNLAWFUL WEAPONS.—Whosoever has upon his person a pistol or air-gun without reasonable cause to fear an assault or other injury to his person, or his family or property, may upon complaint made before any Justice of the Peace, be required to find sureties for keeping the peace for a term not exceeding six months, and in default may be imprisoned for a term not exceeding six months, and in default may be imprisoned for a term not exceeding thirty days.

Whosoever when arrested on a warrant or whilst committing

an offence, has upon his person a pistol or air-gun, is liable to a fine of not less than \$20 or more than \$50, or to imprisonment for not over three months.

Whosoever has upon his person a pistol or air gun, with intent therewith unlawfully and maliciously to do injury to any other person is liable to a fine of not less than \$50 or more than \$200, or to imprisonment for not over six months. The intent aforesaid may be *prima facie* inferred from the fact of the pistol or air gun being on the person.

Whosoever, without lawful excuse, points at another person any fire arms or air gun, whether *loaded* or *unloaded*, is liable to a fine of not less than \$20 or more than \$50, or to be imprisoned for not over 30 days. (Summary or for trial.)

Prosecution for above must be commenced within one month from the commission of the offence. Above does not affect any right of any soldier, sailor or volunteer, on Her Majesty's service, constable or policeman, to carry loaded pistols in the discharge of his duty.

VACCINATION ACT.—*Violation*.—As to penalty for non-compliance with the Act and penalty against persons inoculating with various matter. See Rev. Stat. Ont., Chap. 191, page 1973-4.

VAGRANCY.—All idle persons who, not having visible means of maintaining themselves, live without employment.

2. All persons who, being able to work and thereby or by other means to maintain themselves and families, wilfully refuse or neglect to do so.

3. All persons openly exposing or exhibiting in any street, road, public place or highway, any indecent exhibition, or openly or indecently exposing their persons ;

All persons who, without a certificate signed, within six months by a priest, clergyman or minister of the gospel, or two Justices of the Peace, residing in the municipality where the alms are being asked, that he or she is a deserving object of charity, wander about and beg, or who go about from door to door, or place themselves in the streets, highways, passages or public places to beg or receive alms ;

5. All persons loitering in the streets or highways and obstructing passengers by standing across the footpaths or by

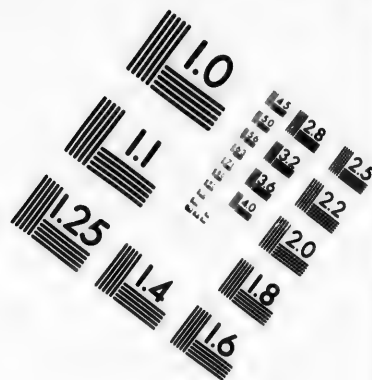
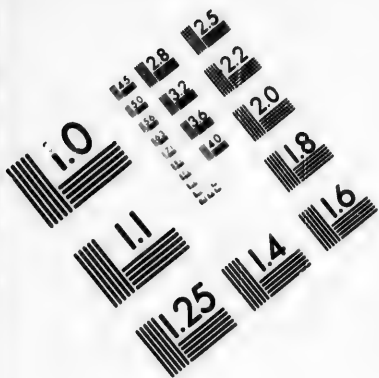
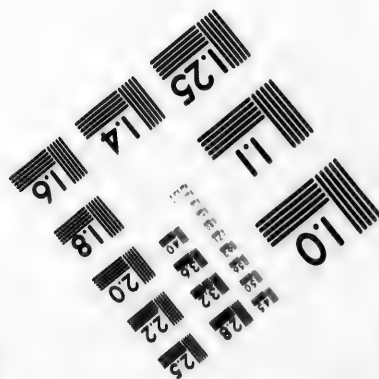
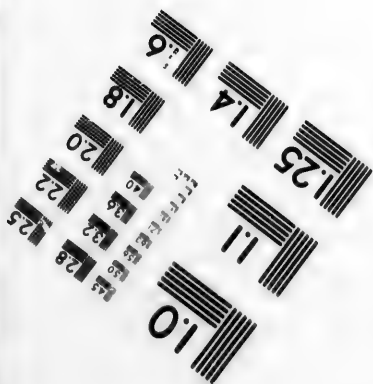
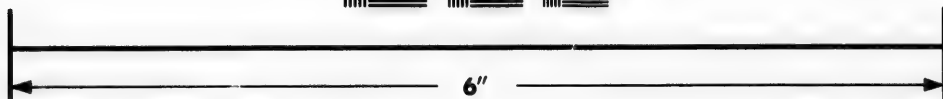
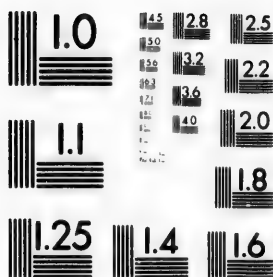


IMAGE EVALUATION TEST TARGET (MT-3)



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using insulting language or in any other way, or tearing down or defacing signs, breaking windows, breaking doors or door-plates, or the walls of houses, roads or gardens, destroying fences, causing a disturbance in the streets or highways by screaming, swearing or singing, or being drunk, or impeding or incommoding peaceable passengers ;

6. All common prostitutes, or night walkers wandering in the fields, public streets or highways, lanes or place of public meeting or gathering of people, not giving a satisfactory account of themselves ;

7. All keepers of bawdy-houses and houses of ill-fame, or houses for the resort of prostitutes, and persons in the habit of frequenting such houses, not giving a satisfactory account of themselves ;

8. All persons who have no peaceable profession or calling to maintain themselves by, but who do for the most part support themselves by gaming or crime or by the avails of prostitution.

Shall be deemed vagrants, loose idle or disorderly persons within the meaning of this act, and shall upon conviction before any stipendiary or police magistrate, mayor or warden, or any two justices of the peace be deemed guilty of misdemeanor and be liable to imprisonment for any term not over six months. 32 & 33 Vic., Can., Chap. 28, or Crim. Law. Imprisonment may be with or without hard labor. 41 Vic. Can. Chap. 31.

Any stipendiary or police magistrate, mayor or warden, or any two Justices of the Peace, upon information before them made, that any person hereinbefore described as vagrants, loose, idle and disorderly persons, are, or are reasonably suspected to be, harbored or concealed in any bawdy house, house of ill-fame, tavern or boarding house, may by warrant authorize any constable or other person to enter at any time such house or tavern, and to apprehend and bring before them or any other Justice, all persons found therein so suspected as aforesaid.

VIOLENCE.—Every person who wrongfully and without legal authority, with a view to compel any other person to abstain from doing anything which he has a legal right to do, or to do anything from which he has a legal right to abstain does any of the following acts :

1. Uses violence to such other person, or his wife or children, or injures his property.

2. Intimidates such other person, or his wife or children, by threats of using violence to him, her or any of them, or of injuring his property.

3. Persistently follows such other person about from place to place.

4. Hides any tools, clothes or other property owned or used by such other persons, or deprives him, or hinders him in the use thereof.

5. Follows such other person with one or more other persons in a disorderly manner in or through any street or road.

6. Besets or watches the house or other place where such other person resides or works or carries on business or happens to be.

Shall be liable to a fine not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months.

Two Justices of the Peace have jurisdiction except when accused objects to be tried by them in which case they must either dismiss or send on bail for trial.

For above and other particulars, see 39 Vic., Chap. 37, Can.

VEGETABLE, &c.—Stealing. See "Larceny."

VOLUNTARY OATHS.—See "Oaths."

WEIGHTS AND MEASURES.—Stat. of Can., 36 Vic., Chap. 47, amended by 38 Vic., Chap. 36, and by 40 Vic., Chap. 15.

Forfeitures and penalties under above acts if under \$50 are recoverable with costs by one Justice of the Peace.

If over \$50 by any two Justices or any tribunal having the power of two Justices. One-half the penalty belongs to the informant and the other half to Her Majesty.

WIFE.—Neglect of wife and children. See "Neglect."

WOUNDING.—With "intent or unlawfully." See 32 and 33 Vic., Chap. 20 or Crim. Law.

WORSHIP.—*Disturbance of*.—Whoever obstructs or assaults by threats or force or endeavors to obstruct or assault any clergyman or other minister while in the performance of his duties is guilty of a misdemeanor and liable to be imprisoned for any

term not less than two years with or without hard labor. (For trial.)

Wilfully disturbing, interrupting or disquieting any assemblage of persons met for religious worship, or for any moral, social or benevolent purposes, by profane discourse, by rude or indecent behavior, or by making a noise, either within the place of such meeting or so near it as to disturb the order or solemnity of the meeting may be arrested on view by any peace officer present at such meeting or by any other person present thereto, verbally authorized by any Justice of the Peace present thereto, and detained until he can be brought before a Justice of the Peace. Penalty fine not over \$20 and costs or in default of payment and no sufficient distress, imprisonment for any term not over one month unless the fine and costs be sooner paid.

WOLVES DESTROYING.—Any person who produces the head of a wolf with the ears on, before any Justice of the Peace acting for any county in Ontario, and makes oath or affirmation or otherwise proves to the satisfaction of such Justice that the wolf was killed within that county, he shall be entitled to receive from the county treasurer the sum of \$6, as a bounty for the same.

The Justice of the Peace shall first cut off the ears from the wolf's head and then give the person a certificate that the fact of the wolf having been killed, as in the last section mentioned, has been proved to his satisfaction, and such certificate shall authorize the person holding same to demand and receive from the county treasurer the said bounty of six dollars.

For above and other particulars, see Rev. Stat. Ont., Chap. 202, page 2011.

WOMEN—Offences relating to—See "Rape," "Indecent Assault," or 32 and 33 Vic. chap 20, or Crim. Law.

YELLOWWS.—As to protection of fruit trees from and penalties. See Stat. of Ont. Chap. 28, page 283.

ADDENDA.

FISHERIES ACT.—Stat. Can. 31 Vic., Chap. 60, 1868, sec. 9.

It shall not be lawful to fish for or catch White-fish in any manner between Nov. 19th and Dec. 1st, nor by means of any kind of seine between May 30th and August 1st, nor shall the fry of same be at any time destroyed.

Gill nets for catching Salmon Trout or White-fish, shall have meshes of at least five inches extension measure, and gill nets shall not be set within two miles of any seineing ground.

Seines for catching White-fish shall have meshes of not less than four inches extension measure.

See section 13 as to penalty for fishing in limits leased to another.

Lessee however, cannot prevent angling for other purposes than those of trade and commerce.

Seines, nets or other fishing apparatus, shall not be set in such a manner or in such places as to obstruct the navigation with boats and vessels, and no boats or vessels shall be permitted to destroy or wantonly injure, in any way, any seines, nets or other fishing apparatus lawfully set.

The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus.

No net or other device shall be so used as to entirely obstruct the passage of fish to and from any of the waters of the Dominion by any of the ordinary channels connecting such waters, or debar their passage to and from accustomed resorts for spawning and increasing their species.

The catching, killing, or molesting of fish when passing or attempting to pass through any fishway or fish pass, or in surmounting any obstacle leaps, the use of any invention to catch, kill, or molest fish in the mill dams, fish ways, mill-heads or water-courses appurtenant thereto, are hereby forbidden.

Bag-nets and trap-nets and fish-pounds are prohibited.

Nets or other fishing apparatus shall not be used as to impede or divert the course of fish in any small streams.

PUTTING SAWDUST REFUSE, &c., IN STREAMS.—Section 14.—Who-soever throws overboard ballast, coal ashes, stones or other prejudicial substances in any river, harbor or roadstead, or any water

where fishing is carried on, or throws overboard, or lets fall upon any fishing bank or ground, or leaves or deposits, or causes to be thrown, left, or deposited upon the shore, beach or bank of any water, the remains or offals of fish, or of marine animals, or leaves decayed or decaying fish in any net or other fishing apparatus, shall incur for every such offence a fine not exceeding one hundred dollars, or imprisonment for not more than two months, and every person so doing, whether master or servant, and the master or owner of any vessel or boat from which such ballast or offals or other prejudicial substance are thrown, shall severally become liable for each offence.

Lime, chemical substance or drugs, poisonous matter, (liquid or solid,) dead or decaying fish, or any other deleterious substance, shall not be thrown into, or allowed to pass into, be left or remain in any water frequented by any of the kinds of fish mentioned in this act, and saw dust or mill rubbish shall not be drifted or thrown into any stream frequented by fish, under a penalty not exceeding one hundred dollars.

Section 16.—Except where penalties are specially mentioned, each offender against this act shall for each offence incur a fine of not more than twenty dollars, besides all costs, and in default of payment, imprisonment in each case for not less than eight days nor more than one month.

Wherever it appears to the satisfaction of the convicting magistrate that the offence has been committed in ignorance of the law, and that the penalty would be oppressive on account of the poverty of the defendant, a discretionary power may be exercised.

One-half of fine goes to Receiver General, and the remaining half to the prosecutor with the costs.

Penalties may be recovered before any stipendiary or other magistrate in a summary manner on the oath of one credible witness and must be sued for within two years from the commission of the offence.

CHAPTER IV.

CORONERS.

Coroners are appointed by commission of the Lieutenant-Governor under the Great Seal of the Province.

Except on deaths in gaols, prisons, etc., a coroner shall not issue his warrant for the jury until he has made a declaration in writing under oath before any Justice or commissioner stating that from information received, he is of the opinion that there is reason for believing that the deceased did not come to his death from natural causes or from accident or mischance, but came to his death from violence or unfair means or culpable or negligent conduct of others, under circumstances requiring investigation by a coroner's inquest. (See Form No. 1.)

Above does not apply to inquests held under the written request of the county attorney, who generally makes such request on receipt of a letter signed by four or six prominent householders of the locality where the death occurred, stating that the undersigned believe an inquest is necessary.

However, as the declaration only states that the coroner is of the opinion that there is reason for believing, (not that he does believe) that the deceased did not come to his death from natural causes, etc., the coroner can generally have no hesitation in taking such declaration and not delay justice by applying to the county attorney for an order.

Upon the death of any prisoner, the warden, gaoler, keeper or superintendent of any penitentiary, goal, prison, house of correction, lock-up house or house of industry, in which such prisoner dies, shall give immediate notice thereof to a coroner, and such coroner shall proceed forthwith to hold an inquest upon the body.

One of the above requisites being complied with, the coroner next issues his warrant to the constable he has ordered to attend on the inquest, to summons twenty-four able and respectable men of the vicinity to attend at a certain time and place to act as jurors. (Form No. 2.)

Any number over twelve can act as jurors, but there must be at least twelve.

The coroner issues also a summons for each juror, which is served on him by the constable or left with some person at his dwelling house.

In the cases of inquests in prisons, etc., the jury is generally composed of 12 prisoners inside the gaol and 12 free men from outside same, and the coroner issues a second warrant to the gaoler to summons the prisoners.

The constable or officer on the execution thereof, returns the warrant to the coroner with the names of the jurors summoned on the back thereof.

If a person does not attend and serve, after being openly called three times, the coroner may fine him in any sum not over \$4, and in such case he must make out and sign a certificate containing the name, residence, trade or calling of such person, the amount of the fine imposed, and cause thereof, and shall send such certificate to the Clerk of the peace of the county in which such person resides, but if twelve jurors or more attend it is not the practice to fine those not attending.

No person is exempt from serving on coroner's juries, yet each juror should be able to write his name.

It is the duty of persons who know anything about the matter of the inquest to attend thereat and give their evidence. The coroner has power to summons witnesses, and in case they refuse to attend or refuse to give evidence he can fine them in any sum up to \$4, and must make out a certificate, &c., as in the case of juror's fined.

A coroner can also make an order upon any Warden of a Penitentiary, or upon a Sheriff, gaoler, or other person having the custody of any prisoner for the delivery of such prisoner to the person named in such order for the purpose of being a witness on any inquest. (As to summons see Form No. 3.)

The inquest is open by the constable, (Form No. 4) he first having signed the following return on the back of the warrant for the jurors : —“The execution of this precept or warrant appears in the schedule annexed.”

The answer of _____, Constable.

The jurors are then called by the constable, who checks off each on the back of the warrant as he answers to his name.

The jurors then choose their foreman, who is sworn by the coroner, who says to the balance of the jury : “Gentlemen, hearken to your

foreman's oath ; for the oath he is to take on his part is the oath you are severally to observe and keep on your part."

The jurors are then sworn, 3 or 4 at a time. As to oaths see Forms 5 and 6. The Coroner next calls over the names of the jury, who are to answer "sworn" if they have been sworn.

The jury is then charged by the Coroner as to their duties. The body is then to be viewed by the jury, the Coroner, who must also be present, calling attention to anything he thinks proper.

No inquest on a deceased person can be held without a view of the body. If possible the surroundings of the crime should be also viewed, and bodies should always be left as found, unless contrary to public policy, and things in the near neighborhood of the same should not be disturbed until after the view of the Coroner and jury.

The inquest may be held in the same place with the body or in some more convenient place or house near.

The Coroner, after the view, calls once again the names of the jurors to see that all are present, makes any further observations to them he thinks proper, and then says as follows :

"I shall now proceed to hear and take down the evidence respecting the death of _____, to which I must ask your particular attention."

The constable then makes the proclamation for the witnesses to attend (Form No. 7.)

The evidence of the witnesses is then taken down in writing, each witness first being sworn by the Coroner (Form No. 8).

The evidence should be taken as near as possible in the words of the witness, and before he signs the evidence it must be read over to him and the jurors also asked if they have any further questions to ask. The Coroner himself also signs the deposition of each witness under the following words : "I certify that the above information was taken and acknowledged the _____ day of _____, A. D. 188 _____, before me. _____ Coroner.

Any party accused, if present, can cross-examine the witnesses, and all evidence tendered must be received.

The Coroner can, if advisable, clear the room of all but the jury, the Constable and the accused (if any) and call the witnesses in one by one.

The general rules of evidence (page 22) apply to Coroners as well as Justices.

The Coroner may issue an order (Form No. 9) for the attendance of any medical practitioner who attended on the deceased during his last illness, and if there was none such attending, then for any other medical practitioner in practice near by, and may direct such practitioner to make or assist at a *post mortem*, with or without an analysis of the contents of the stomach or intestines, if same be desired.

If any person swears that in his belief death was caused, partly or entirely by improper or negligent treatment of practitioner or other person, such practitioner or other person shall not assist at the *post mortem* examination.

If a majority of the jury think the cause of death not satisfactorily explained by the evidence of the practitioners examined, they may require in writing the Coroner to order another medical practitioner, by them named, to attend and give evidence, and conduct a *post mortem* or second *post mortem*, if they think fit. See "Inquests" in Third Chapter.

If advisable the Coroner may adjourn the inquest to a later hour in the day, or to any other day in his discretion. The Constable adjourning by proclamation (Form No. 10,) the Coroner, however, first taking the recognizance of the jurors (Form No. 11) to appear at the time and place appointed, and notifying the witnesses when to attend.

In case of adjournment all the formalities of the former opening, except the viewing of the body, must again be gone through.

The Coroner decides as to all points of law, such as whether a witness is competent, &c., and the jury decide as to the facts.

The Coroner should give heed to any observations and requests made by a juror, if legal and reasonable.

If the jury wish to consider the matter privately, the Coroner either leaves the room or sends them to another room, always in charge of the Constable, who can, if necessary, provide them with bed and board.

If the Coroner finds that there is no chance of the jury agreeing on a verdict, he must adjourn them to the next Assizes.

The jury may at any time call back and re-examine witnesses.

A juror may be sworn as a witness and still perform his duty as a juror.

Twelve at least must agree on a verdict ; if they are all unanimous the foreman gives their verdict. If not, the Coroner calls them over by name as to their verdict, and then draws up the inquisition with the verdict recorded therein (Form No. 12), the Coroner and each of the jurors signing and sealing same.

The inquisition is then read to the jury, the Coroner first remarking : " Gentlemen of this jury, hearken to your verdict as recorded."

If necessary the Coroner binds over the prosecutor (Form No. 13) and witnesses to appear at the next Assizes, and then dismisses the jury.

Married women or minors cannot be bound ; their husbands or parents must be bound for them.

After all the evidence has been taken, and before the jury considers the case, the Coroner sums up for their guidance the evidence taken, and states to them the law applicable to the case.

The Coroner at the end of the inquest, or after the view thereof, issues his warrant to bury the body.

It is a misdemeanor to bury a body found dead without notifying a Coroner, who, however, can in his discretion issue his order or warrant to have same taken up if already interred.

If a verdict of murder, manslaughter, or accessory to murder before the fact, be given against any one, the Coroner must issue a warrant to arrest and commit the accused to the common gaol. (Form No. 14.)

The Coroner has no power to grant bail.

The jury must give a verdict as regards the death, although if they consider there was any excuse for committing same, such as accused being insane, etc., that may be also inserted.

In infanticide cases they cannot find as to concealment of birth.

There must be at least twelve agreeing on a verdict.

Ignorance of the law is no excuse.

If an accused person wishes to say anything, he must, after having the evidence read over to him, be warned as follows : " Having heard the evidence do you wish to say anything in answer to the charge ? You are not obliged to say anything unless you desire to do so ; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial."

An inquest cannot be held on a Sunday.

It is advisable for each Coroner to keep a book, in which all inquests, verdicts, adjournments, etc., should be entered.

It is a misdemeanor to interrupt an inquest in any way whatsoever. Coroner should note all objections made by accused or counsel.

All papers, on the conclusion of the inquest, must be sent to the Crown Attorney.

Every Coroner shall, on or before the first day of January in every year, return to the Provincial Treasurer a list of the inquests held by him during the preceding year, together with the findings of the juries. Rev. Stat. Ont. Chap. 79.

INQUESTS *re* FIRES.

No inquiry shall be held into the cause or origin of any fire or fires whereby any house or building has been wholly or partly consumed, until it has been made to appear to the Coroner, that there is reason to believe that such fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as in the interests of justice and for the due protection of property, require an investigation.

The Coroner in his discretion, or on the written request of any agent of an "Insurance Company," or of any three householders in the vicinity of such fire, empanels a jury of the neighboring householders.

The party requiring any such investigation shall alone be responsible for the expenses of and attending such investigation.

A request from any municipality to hold an investigation must be under the hands and seals of the Mayor or other head officer, and at least two other members of the Council.

An adjournment cannot be charged for unless the coroner certifies, under his hand, why and for such purpose it was held or became necessary, in his opinion.

All the law, rules, formalities, etc., mentioned in the last chapter are good in above investigations as far as applicable.

All papers *re* fire investigations must be sent to the Clerk of the Peace on the conclusion thereof.

Coroners are not now supplied with the Statutes. Rev. Stat. Ont., Chap. 196.

CORONER'S FEES—IN INQUESTS ON DEATHS.

(Rev. Stat. Ont., Chap. 84.)

1. Precept to summon jury.....	\$0 50
2. Empannelling a jury.....	1 00
3. Summons for witness, each.....	0 25
4. Information or examination of each witness.....	0 25
5. Taking every recognizance.....	0 50
6. Necessary travel to take an inquest, per mile (only one way) . . .	0 20
7. Taking inquisition and making return.....	4 00
8. Every warrant.....	1 00

Accounts must be made in duplicate, against the Province, sworn to by the coroner and sent to the Clerk of the Peace on or before the 1st days of April, July, October and January in each year.

IN FIRE INVESTIGATIONS.

(Rev. Stat. Ont., Chap. 179.)

1. Where the fire is in any city, town or incorporated village, the Coroner shall be entitled to be paid \$10.00 for three days, if the investigation lasts that long.....\$10 00
2. Where the fire is not within any city, town or incorporated village, the Coroner shall be entitled to \$5.00 for the first day and \$4.00 per day for two days thereafter, if the investigation lasts that long, (to be paid by parties requiring the investigation.)

MEDICAL WITNESS FEES.

(Rev. Stat. Ont., Chap. 79.)

1. Attendance without *post mortem*.....\$5 00
2. Attendance with *post mortem*.....10 00
3. Attendance with *post mortem* and analysis of contents of stomach or intestines.....20 00
4. For each mile travelled to and from such inquest.....0 20

Above payable by the County Treasurer on the Coroner's written order, who shall swear the witness as to the mileage.

There is no tariff for payment of a chemist for analysis, but the Attorney-General authorizes when proper the payment of a reasonable sum; the Coroner first certifying to him the necessity for such analysis.

Jurors and witnesses at inquests are not entitled to any fees.

For Constables' fees at inquests see next chapter.

FORM No. 1.

County of

To wit :

I, _____ of the _____ of _____ one of Her Majesty's Coroners for the County aforesaid, make oath and declare that from information received by me I am of the opinion that there is reason for believing that one _____ deceased, did not come to his death from natural causes, or from mere accident or miscarriage, but came to his death from violence or unfair means, or by culpable or negligent conduct of others under circumstances requiring investigation by a Coroner's inquest.

Coroner for

County.

Sworn before me at _____
of _____ A.D. 188 _____

In the County of _____ this _____ day
J. P.

FORM No. 2.

WARRANT TO CONSTABLE TO SUMMON JURY.

Canada, Province of Ontario, County of

To wit :

To all or any of the Constables in and for the County of _____, and all other of Her Majesty's officers of the peace in and for the said County

By virtue of my office, these are in Her Majesty's name to charge and command you, that on sight hereof you summon, and warn twenty-four able and sufficient men of your County personally to be and appear before me on the _____ day of _____ instant, at _____ of the clock in the _____ noon, at the house of _____ called or known by the sign of _____ in the _____ of _____ in the said County of _____ then and there to do and execute all such things as shall be given them in charge, on behalf of our Sovereign Lady the Queen, touching the death of _____

And for your so doing this is your warrant, and that you also attend at the time and place above mentioned, to make a return of those you shall so summon, and further to do and execute such other matters as shall be then and there enjoined you, and have you then and there this warrant.

Given under my hand and seal this _____ day of _____ one thousand eight hundred and _____

Coroner, County of

[Seal.]

FORM No. 2a.

SUMMONS FOR JURY.

Ontario, County of

To wit :

To (John Brown, of the Township of Caledon, in the said County, farmer.)

By virtue of a warrant under the hand and seal of _____ gentleman, one of Her Majesty's Coroners for the County, you are hereby summoned personally to be and appear before him as a jurymen, on the _____ day of _____ instant, at _____ of the clock in the _____ noon precisely, at the house of _____ known by the sign of _____ in the _____ of _____ in the County aforesaid, then and there to inquire, on Her Majesty's behalf, touching the death of _____, and further to do and execute such other

matters and things as shall be then and there given you in charge, and not depart without leave. Hereof fail not at your peril.

Yours, etc.,

Constable of the said County of

Dated the day of one thousand eight hundred and

FORM No. 3.

SUMMONS TO WITNESS.

Ontario, County of To wit :
To of the of in the County of yeoman.

Whereas I am credibly informed that you can give evidence on behalf of our Sovereign Lady the Queen, touching the death of now lying dead in the of in the said County of These are therefore by virtue of my office, in Her Majesty's name, to charge and command you personally to be and appear before me at the dwelling-house of known by the sign of situate at in the said at o'clock in the noon on the day of instant, then and there to give evidence and be examined, on Her Majesty's behalf, before me and my inquest touching the premises.

Herein fail not, as you will answer the contrary at your peril.

Given under my hand and seal this day of one thousand eight hundred and

Coroner, County of

[Seal.]

FORM No. 4.

OPENING PROCLAMATION.

Oyez ! Oyez ! Oyez ! You good men of this County, summoned to appear here this day, to inquire for our Sovereign Lady the Queen, when, how, and by what means came to his death, answer to your names as you shall be called, every man at the first call, upon the pain and peril that shall fall thereon.

FORM No. 5.

FOREMAN'S OATH.

You shall diligently inquire and true presentment make of all such matters and things as shall be here given you in charge, on behalf of our Sovereign Lady the Queen, touching the death of now lying dead, of whose body you shall have the view ; you shall present no man for hatred, malice or ill-will, nor spare any through fear, favor or affection ; but a true verdict give according to the evidence, and the best of your skill and knowledge.

So help you God.

FORM No. 6.

OATH OF JURYMEN.

The same oath which _____, your foreman, upon this inquest hath now taken before you on his part, you and each of you are severally, well and truly to observe and keep on your parts.

So help you God.

FORM No. 7.

PROCLAMATION FOR WITNESSES TO ATTEND.

If any one can give evidence on behalf of our Sovereign Lady the Queen, when, how, and by what means _____ came to his death, let him come forth and he shall be heard.

FORM No. 8.

OATH OF WITNESS.

The evidence which you shall give to this inquest, on behalf of our Sovereign Lady the Queen, touching the death of _____, shall be the truth, the whole truth, and nothing but the truth.

So help you God.

FORM No. 9.

ORDER FOR ATTENDANCE OF MEDICAL WITNESSES.

Coroner's Inquest at _____ upon the body of _____

By virtue of this my order as Coroner for _____ you are required to appear before me and the jury at _____ on the _____ day of _____ one thousand eight hundred and _____, at _____ o'clock in the _____ noon, to give evidence touching the cause of death of _____ (If *post mortem* or analysis is required mention same here,) and report thereon at the said inquest

Coroner. [Seal.]

To _____, surgeon (or M.D., as the case may be.)

FORM No. 10.

PROCLAMATION OF ADJOURNMENT.

Oyez ! Oyez ! Oyez ! All manner of persons who have anything more to do before the Queen's Coroner for this County, may depart home at this time and give their attendance here again (or at the place adjourned to) on
 at next, being the day of instant,
 of the clock in the noon, precisely.

God save the Queen.

FORM No. 11.

RECOGNIZANCE OF JURORS UPON AN ADJOURNMENT.

Gentlemen, you acknowledge yourselves severally to owe to our Sovereign Lady the Queen the sum of ten pounds, to be levied upon your goods and chattels, lands and tenements, for Her Majesty's use, upon condition that if you and each of you do personally appear here again (or at the place adjourned to) on next, being the day of instant, at o'clock in the noon, precisely, then and there to make further inquiry, on behalf of our said Sovereign Lady the Queen, touching the death of the said , of whose body you have had the view, then this recognizance to be void, or else to remain in full force. Are you content ?

FORM No. 12.

FORMAL PARTS OF INQUISITION.

FIRST PART.

Canada, Province of Ontario, County of

To wit :

An inquisition indented taken for our Sovereign Lady the Queen at the house of known by the sign of situate in the of in the County of on the day of in the year of our Sovereign Lady Victoria, before Esquire, one of the Coroners of our said Lady the Queen, for the said County on view of the body of , then and there lying dead, upon the oath (or affirmation) of (here give the names of all the jurors sworn) good and lawful men of the said County, duly chosen, and who being then and there duly sworn, and charged to inquire for our said Lady the Queen, when, where, how, and by what means the said came to his death, do upon their oath, say that (here follows the verdict or finding of the jury.)

CLOSING PART.

In witness whereof, as well the said coroner as the jurors aforesaid, have hereunto set and subscribed their hands and seals, the day and year first above written.

Coroner [Seal.]

Names of Jury. [Seals.]

FORM No. 13.

RECOGNIZANCE TO GIVE EVIDENCE.

Canada, Province of Ontario, County of To wit :
 Be it remembered that on the day of one thousand
 eight hundred and in the year of the reign of our Sovereign
 Lady Victoria, of the of and of the
 of both of the County of do severally
 acknowledge to owe to our Sovereign Lady the Queen the sum of
 of lawful money of Canada, to be levied on their several goods and chattels,
 lands and tenements, by way of recognizance to Her Majesty's use, in case
 default shall be made in the conditions following :

The condition of this recognizance is such that if the above bounden
 and do severally personally appear at the next assizes,
 to be holden at , in and for the County of , and then
 and there give evidence on a bill of indictment to be preferred to the Grand
 Jury against for the wilful murder of and in
 case the said bill of Indictment shall be returned by the Grand Jury a true
 bill, then that they do severally personally appear at the Session of gaol
 delivery, to be holden for the said County of , next after the
 apprehension or surrender of the said and then and there severally
 give evidence to the jury that shall pass on the trial of the said
 touching the premises and not depart the Court without leave, then this
 recognizance will be void, otherwise to be and remain in full force and virtue.

Taken and acknowledged this day of one thousand eight
 hundred and before me.

Coroner, County of

FORM No. 14.

WARRANT TO ARREST.

Canada, Province of Ontario, County of To wit :
 To all or any of the Constables of the County of and all other Her
 Majesty's Peace Officers in the said County :

Whereas, by an inquisition taken before me, one of Her Majesty's
 Coroners for the said County, this day of at in
 the said County, on view of the body of then and there lying
 dead, one late of in the said County, stands
 charged with the wilful murder of the said These are,
 therefore, by virtue of my office, in Her Majesty's name, to charge and
 command you and every one of you, that you or some one of you, without
 delay, do apprehend and bring before me, the said Coroner,
 or one of Her Majesty's Justices of the Peace of the said County, the body
 of the said , of whom you shall have notice, that he may be
 dealt with according to law ; and for your so doing this is your warrant.

Given under my hand and seal this day of one
 thousand eight hundred and

Coroner, County of

[Seal.]

FORM No. 14A.

"WARRANT OF COMMITMENT."

Canada, Province of Ontario, County of To wit :
 To all or any of the Constables of the County of and all other
 Her Majesty's officers of the peace for the said County, and to the keeper
 of Her Majesty's gaol at in the said County.

Whereas by an inquisition taken before me, one of Her Majesty's Coroners
 for the said County of the day and year hereunder mentioned,
 on view of the body of lying dead in the said of
 in the County of aforesaid late of the
 of in the said County stands charged
 with the wilful murder of the said

These are therefore by virtue of my office, in Her Majesty's name, to
 charge and command you, the said Constables and others aforesaid, or any of
 you, forthwith safely to convey the body of the said to Her
 Majesty's gaol at aforesaid, and safely to deliver the same to the
 keeper of the said gaol, and these are likewise, by virtue of my
 said office, in Her Majesty's name, to will and require you the said keeper
 to receive the body of the said into your custody, and him
 safely to keep in the said gaol, until he shall thence be discharged by due
 course of law; and for your so doing this shall be your warrant.

Given under my hand and seal this day of one
 thousand eight hundred and

Coroner, County of

[Seal.]

CHAPTER V.

CONSTABLES.

CHIEF OR HIGH CONSTABLE.

May be appointed by petition or application through the Clerk of the Peace to the Court or adjourned Court of General Sessions of the Peace.

HIS DUTIES.

Besides including all those of a county constable are more comprehensive, and include a general supervision and direction over all other Constables in the County in matters connected with their respective offices.

Unless interfering with the prompt administration of justice all telegraphs, letters and communications sent on criminal business from one County to another should be addressed to the High Constable of such other County. It is obligatory on such High Constable receiving same, and indeed on any County Constable, to attend to same as soon as possible after receipt thereof.

APPOINTMENT OF CONSTABLES.

The Justices of the Peace may from time to time at any sitting or adjourned sitting of the Court of General Sessions of the Peace, appoint a County High Constable, and a sufficient number of fit and proper persons to act as Constables in each township, incorporated village, police village and place within their County, and may in like manner from time to time, in their discretion, dismiss any Constable so appointed.

The persons so appointed shall, before entering on the duties of their office, take and subscribe the proper oath.

The usual practice is for the Justice of the Peace who desires a Constable appointed to send his application to the Clerk of the Peace of his County by whom all further steps necessary will then be taken.

Every person legally appointed a Constable is obliged to act for one year at least.

Special or regular Constables duly called upon to act by Justices and refusing to do so should be indicted.

Proof that a person appointed a Constable refused to take the oath of office is *prima facie* evidence of his refusal to act as such Constable.

PROVINCIAL CONSTABLES.

The Lieutenant-Governor may appoint either permanently or for such a period as he may think fit, persons to be Provincial Constables, and every person so appointed shall, while he holds office, be a Constable of every county and district in Ontario, and as such shall have authority to act in any part of this Province.

ACT RESPECTING SPECIAL CONSTABLES.

In case it is made to appear to any two or more Justices of the Peace of any territorial division in this Province, upon the oath of any credible witness, that any tumult, riot or felony has taken place, or is continuing, or may be reasonably apprehended in any territorial division or place situate within the limits for which the said respective Justices usually act, and in case such Justices are of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of the property in any such territorial division or place as aforesaid, then and in every such case such Justices or any two or more Justices acting for the same limits may nominate and appoint, by precept in writing under their hands, so many as they think fit of the householders or other persons not legally exempt from serving in the office of Constable, residing in such territorial division or place as aforesaid, or in the neighborhood thereof, to act as Special Constables for such time and in such manner as to the said Justices respectively seem necessary for the preservation of the public peace, and for the protection of the inhabitants and the security of property in such territorial division or place.

The Justices of the Peace who appoint Special Constables by virtue of this Act, or any of them, or any other Justice of the Peace acting for the same limit, may administer to any person so appointed the following oath, that is to say :

"I do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Special Constable for the of , without favor or affection, malice or ill-will ; and that I

will to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law. So help me God."

In case it is deemed necessary to nominate and appoint Special Constables as aforesaid, notice of the nomination and appointment and of the circumstances which render it expedient, shall be forthwith transmitted by the Justices making such nomination and appointment to the Secretary of the Province.

The Justices appointing may make regulations touching such Special Constables and may remove any of them for misconduct or neglect of duty.

For penalty for refusing to act, for punishment of persons interfering with Special Constables and for other particulars, see Rev. Stat. Ont. Chap. 83, page 884.

CONSTABLES' DUTIES.

Every High and Petty Constable is by the common law a conservator of the peace, and it is his duty to execute the legal warrants and orders of Justices of the Peace and Coroners, and to perform the functions of his office with reasonable dispatch, diligence and care.

His neglect to perform the duties of his office, or his misconduct or extortion in connection with same is punishable by indictment, upon which fine or imprisonment may be imposed on him.

He is obliged to attend at the return of summonses served by him to depose if necessary to the service thereof.

He is obliged to make a return to any warrant executed by him in a reasonable time after execution thereof.

It is his duty to endeavor to keep the peace, prevent or stop breaches of the peace, and all illegal acts which are against the laws of the country.

All cases of suspected felony or misdemeanor which come to his knowledge should be investigated by him, and if the occasion warrants it, he should lay an information himself unless some other person lays one.

An information laid by a Constable on the story of a responsible

party should contain the following words: "I have good reason to believe and verily doth believe, etc."

A Constable is bound to take a prisoner before a Justice of the Peace as soon as he reasonably can.

When he arrests him over night it will be considered a reasonable time if he takes him before a Justice by noon of the next day.

It is the proper duty of Constables to preserve the peace, not to punish the breach of it.

It is a Constable's duty to assist in preventing the violation of the "Liquor License Act," he has the same power as the Inspector, and under his oath of office he is obliged to execute the same.

Where a Constable has reason to believe that a death has occurred from violence or unfair means, or by culpable or negligent conduct, either of the deceased person or others under such circumstances as require investigation, and not through mere accident or mischance, he should immediately notify the nearest Coroner, take charge of the body, and if possible keep it in the same situation as when first found, and he should attend on the Coroner if there is an inquest.

Constables while clearing the people from a place which has to be kept free should not strike any one who cannot get back on account of the pressure behind.

If after sunset and before sunrise a constable shall see any one carrying a bundle or goods which he suspects were stolen, he should stop and examine the person, and if necessary detain him.

Where a man forcibly enters the house of another, a constable may, at the request of the owner, turn him out directly. Where he has entered peaceably, but had no right to do so, the constable should, if requested by the owner to put him out, first ask him to go out, and if he does not should then turn him out, using no more force than is necessary.

ARRESTS.

No person is exempt from the liability to be arrested.

A married woman may be arrested.

A person charged with a crime may be arrested at any time of the day or night, and at any place.

Arrests should not be made on Sundays except for treason, felonies, and breaches of the peace, however, in indictable offences where necessary, as in case of prisoner being about to leave the country, &c., arrests may be made.

The usual mode of arrest is as follows: The officer lays his hand on or takes hold of the prisoner by the arm or shoulder saying, "I arrest you in the name of the Queen," and then in cases of felony exhibits the warrant to the prisoner. In summary cases, where a warrant is issued in the first instance the Justice shall provide, and the constable shall serve a copy of the warrant on the defendant at the time of the arrest. There may, however, be an arrest by mere words, as where a constable walks into a room where an accused person is and locks the door and says to him, "you are my prisoner," that is an arrest.

Where an officer says to an accused person, "you are my prisoner," and the prisoner answers, "Don't handcuff me, or don't touch me, I will go quietly," and walks alongside the officer for a time, that is an arrest.

After an arrest an officer should treat a prisoner properly and impose only such restraint as may be necessary for his safe keeping.

Constables should always endeavor to effect arrests in as quiet a manner as the circumstances of each case will permit.

Violent measures, such as breaking open doors, striking with batons, &c., should only be resorted to in extreme cases.

Where a prisoner is sick, or there is fear of a rescue, or no lock-up in the neighborhood, a constable may keep the prisoner in a house or other safe place until he can reasonably take him before a Justice.

An accused person before a Justice's court is still considered in the charge of the constable until he has either been discharged, bailed or committed for trial.

When a constable has a warrant for a person who is in gaol, he will either leave the warrant with the gaoler or person in charge of the prisoner who will notify the constable when the prisoner is discharged on former process, and the constable may then take him before a Justice as customary, or the constable may attend with the warrant when the prisoner is to be discharged and arrest him again.

Justices have jurisdiction in the following cases: 1. When a felony or misdemeanor is committed on the boundary of two or more

counties or districts. 2. *Or within one mile of any such boundary.* 3. Or any place with respect to which it may be uncertain within which county or district it lies. 4. Or when any felony or misdemeanor is begun in one county and completed in the other, a Justice of either county has jurisdiction.

1. In case any felony or misdemeanor is committed on any person, or on or in respect of any property in or on any coach, waggon or other carriage whatever employed in any journey. 2. Or on board any vessel, boat or craft whatever employed in any voyage or journey upon any navigable river, canal or inland water in any journey, any Justice having jurisdiction in a county or place through which such boat or carriage, &c., passed during said journey or voyage, may issue his warrant to apprehend the offender.

When a person steals property in one county and has it in his possession in another county, any Justice of the latter county has jurisdiction over him.

A person who receives in one county property stolen in another, a Justice in either county has jurisdiction.

Persons in public service who embezzle public money may be dealt with either where arrested or in custody, or where the offence was committed.

When a person is feloniously poisoned or hurt upon the sea or any place out of Canada, and dies in Canada, or is so hurt in Canada and dies on the sea or out of Canada, any Justice of the county or place in Canada where such injury or death happens has jurisdiction as if the offence had been wholly committed in such place.

Persons plundering or stealing any part of any ship or vessel in distress or wrecked may be dealt with by a Justice either of the county or place where the offence was committed, or in any county or place next adjoining or in which they are arrested or are in custody.

Forgery may be dealt with where offender is arrested or is in custody as well as where offence was committed. This also applies to bigamy and perjury.

WARRANTS.

A warrant can only be executed by some one of the parties to whom it is directed. The constable receiving same should endorse

on the back the time he received same, the time and manner of execution of same, and any necessary particulars.

Constables should follow strictly all the directions in warrants executed by them.

Where a Constable on reading a warrant finds that some necessary requirement has been omitted, as the signature, a seal of the Justice issuing the same, the name of the offender, etc., he should get same corrected before executing.

The great importance of using secrecy and dispatch in the performance of their duties cannot be impressed too strongly on Constables.

A Justice granting a warrant has no power to authorize an arrest outside the limits of his County or district.

A Constable can execute a warrant even beyond the place for which he was appointed, provided the jurisdiction of the Justice who issues the warrant extends thereto.

If a warrant is directed to a certain Constable by name it cannot be executed by any other Constable or person. Warrants, however, are generally directed to "all or any of the Constables of a County," and in such cases any person coming under that description can execute them.

Corrections or insertions made in a warrant after same has been signed and sealed are not legal, where such are necessary the Justice should sign and seal the warrant again.

In cases of fresh pursuit offender may be arrested at any place within seven miles outside of the County of the Justice granting the warrant, his jurisdiction being extended that far by 32 and 33 Vic. chap. 30 and 31.

The person to be arrested should be either named or described accurately in the warrant.

As mentioned before, a general warrant to arrest all persons suspected of a certain crime without naming or describing any person in particular is illegal.

Where a warrant properly made out is received by a Constable, he is bound to execute it if he can do so within the jurisdiction of the Justice granting same.

A Constable should always keep all original warrants and summonses executed by him, as they are his authority and justification.

All persons making an arrest should inform the prisoner of the substance of the warrant or cause of arrest.

All private persons to whom warrants shall be directed, and Constables, if they be not commonly known as such, or are acting out of their own County must show their warrants if demanded.

A Constable should always show his warrant when demanded, and also where he is not known to be a Constable by the party to be arrested.

A Constable is bound to give a copy of his warrant within six days after demand, and the fact of its being a warrant of commitment and being in the hands of the gaoler is no excuse, as the gaoler is bound to let the Constable have a copy.

BACKING WARRANTS.

A warrant may be backed so as to authorize its execution in any place in Canada, and beyond the jurisdiction of the Justice issuing the warrant.

A warrant may be backed any number of times from one County to another until executed, and such backing will not prevent its being used in the County where it was first issued.

The backing authorizes the execution of the warrant so backed by the person bringing it, by all other persons to whom it was originally directed and by all Constables and other peace officers of the territorial division where the warrant has been endorsed.

It is the duty of all Justices to back any warrant, upon oath being made as to the hand writing of the Justice issuing the warrant.

ENDORSEMENT BY A JUSTICE OF THE PEACE BACKING WARRANT.

Canada, Province of Ontario, County of

To wit:

Under Section 12, Chap. 31, 32 and 33 Victoria; Summary Convictions Act of 1869. Form "K," Ch. 30, 32 and 33 Vic.

WHEREAS, proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace for the County of that the name to the within warrant subscribed, is of the proper handwriting of the Justice of the Peace within mentioned.

I do therefore hereby authorize who bringeth to me this warrant, and all other persons to whom this warrant was originally directed or by whom it may be lawfully executed; and all other Constables and other peace officers

of the said County of to execute the the same (or assist in the execution thereof) within the said last-mentioned County.

Given under my hand this day of in the year of our Lord One Thousand Eight Hundred and , at the town of in the said County of

A Justice of the Peace for the County of

SEARCH WARRANTS.

Search warrants should be directed to and executed by a Constable or other officer, though it is proper for complainant or some one on his behalf to be present assisting and to identify the stolen goods.

A search warrant should command that goods found, together with the party in whose custody they are found, be brought before the Justice issuing, or some other Justice of the Peace.

In case of breaking open doors, etc., to search a house for stolen goods the Constable acting under the warrant is excused, whether the goods are in the house or not.

The jurisdiction of Justices and Constables is the same under search warrants as in other ordinary warrants.

Search on bare suspicion should be made in the day time only.

Constables should follow strictly all the directions in the warrant.

After demand and refusal to open same Constables may break open doors, inner-doors, boxes, etc.

The constable, if necessary, should have sufficient assistance to prevent anything being taken away or an accused person escaping while he is busy inside.

ARREST WITHOUT WARRANT.

Any person found committing an offence punishable either upon indictment or upon summary conviction, may be immediately arrested by any constable or peace officer, without a warrant, or by the owner of the property, on or with respect to which the offence is being committed, or by his servant, or any other person authorized by such owner, and shall be taken forthwith before a near Justice, to be dealt with according to law.

A constable is bound to arrest, if possible, for any felony commit-

ted in his presence, and nothing short of imminent danger to his life will excuse him for allowing the offender to escape.

Where he has good suspicion that a felony has been committed he must arrest any party whom he thinks concerned in it; he must, however, in such a case have reasonable and probable cause for such suspicions.

The following are some of the reasonable grounds necessary :

Evidence of guilt found on prisoner, his concealment or avoidance of arrest, keeping or being found in bad company, being a vagrant, &c. The reasonableness of the suspicion is generally judged by the circumstances of each case.

If a reasonable charge of felony is made against a person, and such person is given in charge to the constable, he is bound to take him, and he is justified in so doing though the charge turn out unfounded.

No duty is imposed on a constable to inquire into the reasonableness of the charge; it is enough if it be not unreasonable.

The constable, however, should believe that the person who gives the information is a credible person, and he should also take into consideration who the person is who is accused, and the general probability of the facts stated.

A constable would not be justified in arresting a person, as receiver of stolen goods, on the mere assertion of the principal felon, except, of course, where the goods are found with such person.

He should not detain a party arrested for felony either upon his own suspicion or upon information received from another, after his suspicions are, or ought to be, entirely removed, or he finds the information given to be false.

Where he arrests for theft, say in case of a pick-pocket, and after searching the party discovers nothing and the suspicions appear to be groundless, he may discharge the prisoner forthwith.

In cases coming under the following statutes, the constable can arrest forthwith without a warrant (32, 33 Vic., Chap. 18, Sec. 33, offences, *re-coin*), (Chap. 20, Sec. 37.—Disturbing religious meetings, &c.), (Chap. 24, Sec. 8.—Peace on public works), (Chap. 27, sec. 4.—Cruelty to animals), (31 Vic., Chap. 70, Sec. 4.—Riot Act) (and

32 and 37 Vic, Chap. 25, Sec. 7.—*Re* deserters from army and navy).

He must arrest any person whom he finds loitering on any highway, yard or other place during the night, whom he has good cause to suspect of having committed, or being about to commit a felony, and bring him before a Justice by noon of the day following.

When a constable sees a person do an act with a felonious intent he should arrest the perpetrator.

Where a felony has been committed, although out of his county, a constable may, *ex officio*, arrest the felon if he finds him in his county, although without a warrant.

Where a constable knows there is a warrant out for the arrest of a person for felony he should arrest such offender even though he has not the warrant in his possession.

If a person whom there is no cause to suspect of untruth say to a constable, "that man has committed felony, arrest him," the constable should do so.

ARREST WITHOUT A WARRANT—MISDEMEANOR.

A constable is bound to arrest any person committing a breach of the peace in his view.

Arrest without a warrant should not be made in cases of misdemeanor unattended by violence as perjury, libel, &c.

When the breach of the peace has not taken place in his view he should not arrest without a warrant, unless under a special statute.

Where a person complains to a constable that a certain person has committed a breach of the peace and there is good reason to think that unless such person is arrested he will escape, renew the breach of the peace, or do immediate violence to person or property, then if the person complaining guarantees to appear and prosecute, the constable may arrest the offender.

Where a constable makes an arrest under a warrant in a case where he could not arrest one, he should have the warrant in his possession so as to be able to show same to the prisoner if desired.

Constables cannot arrest without a warrant for a misdemeanor not committed in his presence.

If a constable see one making an affray, or assaulting another, or breaking the peace, or hear or know one to menace or threaten to kill, wound, maim, or beat another person present, he may arrest him.

If he see persons about to make an affray and command them to disperse, and they do not, he may arrest them.

Constables are bound to do their utmost to quiet an affray witnessed by them, or which comes to their knowledge, and are also bound to ask the assistance of others if required.

In case of threats of personal injury he can, at the request of the person threatened, take the offender immediately before a Justice to find sureties.

If persons are making an affray in a house and the doors are shut, or persons making an affray run into a house the constable may enter to see the peace kept, and make any arrests necessary.

Constables may arrest on view any person who wilfully disturbs, interrupts or disquiets any assemblage of persons met for religious worship or for any moral, social or benevolent purpose, by profane discourse, by rude or indecent behavior, or by making a noise either within the place of such meeting, or so near it as to disturb the order or solemnity of the meeting.

It is the duty of Constables to stop any persons coming to join either party in an affray.

A Constable is justified in arresting a party who stands in his way to obstruct him while making an arrest or preventing a breach of the peace.

A Constable is authorized to arrest all poor and indigent persons who are incapable of supporting themselves.

All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do.

All persons leading a lewd, dissolute and vagrant life, and exercising no ordinary calling or lawful business sufficient to gain or procure an honest living.

All persons who spend their time and property in public houses, to the neglect of any lawful calling.

And idiots.

Where a person swears or curses in the hearing of any Constable,

such constable, in case the person is unknown to him, should forthwith arrest him and take him before a Justice, and in case the person swearing is known to the constable, he should forthwith lay an information against him for such offence.

A man cannot, when drunk in his own house, be forcibly removed therefrom, even if his family request it, unless his conduct makes him a public nuisance, as by creating a public disturbance.

The offences of drunkenness, disorderly conduct, &c., and most minor offences come under municipality by-laws, and generally give constables power to arrest on view.

Where a drunken person is in charge of any one and causes no disturbance, a constable should not interfere.

Constables should arrest night walkers and persons who frequent bawdy houses. He has, however, no right to arrest a common prostitute quietly walking the streets, without first asking her to give a satisfactory account of herself, and she refuses to do so, as she has a right to walk the street for a lawful purpose.

ARRESTING ON TELEGRAMS.

On receiving a telegram from another official or some known respectable person the constable should make the arrest required.

Where the telegram is from an unknown person the constable should, if he has time, first consult with the High Constable of the county if near, or a neighboring Justice or other person in authority before making the arrest.

Where he has no time to advise he should proceed very carefully. A constable should not act on a telegram from another country regarding an offense committed out of the Province.

A constable is not justified in arresting on a telegram in cases of misdemeanor, and in such, as in doubtful cases, he should watch or shadow the accused unknown to him, and telegraph for the proper person to come on with the warrant.

Where there is a doubt that the person whose name is attached to the message did not really send it, the constable receiving same should, if there is no necessity for an immediate arrest, telegraph or communicate with the sender to make sure all is right.

ARREST BY PRIVATE PERSONS.

Any person may do anything reasonably necessary to prevent crime.

Any person may break into a house to prevent murder or felony.

Any person may arrest a thief with stolen goods.

Any person may arrest and carry before a Justice one about to expose an infant and leave it to perish.

Before a person interferes to prevent or stop fighting he should notify his intention to keep the peace, unless under the circumstances the guilty parties will know why he interferes.

Any person who has a reasonable suspicion that goods offered him for sale or pawn have been stolen should arrest and forthwith carry before a Justice of the Peace the party offering same, together with the property. Usual practice is to detain prisoner and send for a constable.

The owner of the property or his servant, or any person authorized by him may immediately arrest any person found committing an offence under the "Malicious Injuries Act," or take him on fresh pursuit, but the person charged must be taken directly before a Justice.

All persons who are present when a felony is committed or a dangerous wound given are bound to arrest the offender forthwith, under penalty of fine or imprisonment.

It is the duty of all persons to arrest without warrant any person detected in the attempt to commit a felony.

A private person should arrest a lunatic who seems disposed to do mischief.

When a felony has been actually committed any person may apprehend or direct a constable to apprehend a person whom he has reasonable grounds of suspecting of it.

Any person may arrest a party against whom an indictment has been found.

A suspicious night-walker may be arrested by anyone.

Vagrants may be arrested by anyone and handed over to a constable or taken before a magistrate.

A private person cannot without a warrant apprehend a person for a bare breach of the Peace after it is over.

It is advisable for all persons to procure warrants where an immediate arrest is not really required.

BREAKING DOORS, ETC., UNDER WARRANTS.

In case of felony or suspicion of felony, surety of the Peace or breach of the Peace a constable executing a warrant may break into a house to take a party. So also in case of executing a search warrant, where the warrant commands a party to be arrested.

A constable executing a bench warrant or warrant of distress on a conviction under a statute where all or part of the penalty goes to the Crown, may break open doors.

The maxim that "Every man's house is his castle" applies only to dwelling houses and should be respected.

A constable should not break open doors or windows or other parts of a house to gain admittance, without first demanding admission and declaring his business.

BREAKING INTO A HOUSE WITHOUT A WARRANT.

Where an actual breach of the peace is committed in view of a Constable, where he sees a felony is committed, or has grounds to think a felony is likely to be committed.

Where one has committed a felony, given a dangerous wound or taken part in an affray, an officer in fresh pursuit may break into a house to arrest him.

Where there is a noise or disorderly conduct, or drinking in a house at a late hour at night, and especially when in a tavern, a Constable may break into a house to stop same.

Where a violent affray is going on in a house, in view or hearing of a Constable, (or where there is a violent cry of murder) he may break into the house to put a stop to same.

Greater care should be taken where the house is not that of the person sought to be arrested. Where an officer has entered a house in a manner and is locked in, he, and others assisting him may break out of same.

Constables may for the purpose of preventing or detecting the violation of the "License Act," at any time enter into any, and every part of any inn, tavern, or other house, or place of public entertainment, shop, warehouse, or other place wherein refreshments or liquors are sold, or reputed to be sold, whether under license or not, and may search in every part thereof, and of the premises connected therewith.

Where admittance is refused, the Constable should apply to a Justice for a warrant, which the Justice may grant on oath, that there is reasonable grounds for believing that liquor is being kept for sale in an unlicensed house. The Constable may within ten days from the date of warrant, enter such house, and may break open doors, if necessary to effect the search.

SUMMONS.

Every summons shall be served by a Constable or other Peace Officer or other person to whom the same may be delivered, upon the person to whom it is directed, by delivering the same to the party personally, or by leaving it with some person for him at his last or most usual place of abode.

It should be served a reasonable time before the day appointed for its return. Two days or more would generally be deemed reasonable, but it is for the Justice to decide.

The Constables or Peace Officers, &c., who serve any summons shall attend before the Justice at the time and place appointed to swear, if necessary, to the service thereof.

Objections to the service should be taken at the hearing.

No objection shall be allowed to any summons or warrant for any defect in substance or form, but if it appears that the party charged has been deceived or misled by such defect, the Justice may adjourn the hearing if necessary.

HANDCUFFING.

Handcuffs are not to be used except in cases of necessity, when a prisoner is desperate and likely to attempt to escape.

In cases of murder and other heinous offences, it is desirable for Constables to handcuff prisoners.

Constables should apply for handcuffs through the Reeve of the municipality, or through the Clerk of the Peace.

Constables on receiving handcuffs should give a guarantee backed by the name of some responsible householder in his neighborhood, that the handcuffs, or the value thereof, will be forthcoming when wanted.

When leaving the place, or retiring from office, a Constable should hand back his handcuffs, baton, etc., to the Reeve or Clerk of the Peace, as otherwise he lays himself open to an action.

REWARDS.

Where a reward is offered for information which leads to the conviction of a felon, a Constable giving such information, although it was his duty to do so, is entitled to, and can collect the reward.

REFUSING TO ASSIST CONSTABLES.

Persons called upon to assist a Constable in the execution of his duty are bound to do so, even in cases where they know their aid would be insufficient.

Refusing to assist a Constable in the execution of his duty, when called upon to do so, is a misdemeanor.

Physical impossibility is of course an excuse.

OBSTRUCTING A CONSTABLE.

Whosoever assaults or wilfully obstructs any Revenue or Peace Officer in the due exercise of his duty, or any person acting in aid of such officer, or assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence is guilty of a misdemeanor.

Justices should always deal more strictly in cases of assaults on officers.

Constables should arrest persons opposing or insulting them in the execution of their duties, although only by words.

STOLEN PROPERTY.

Constables should take charge of any stolen goods coming into their possession and put a private mark on them so as to be able to identify them when necessary.

When a prisoner is committed for trial, the constable on taking the prisoner to the county gaol should take with him the stolen property and deliver the same to the Clerk of the Peace, who will give a receipt for same.

In cases of horse stealing, if the owner is a responsible party, it is customary to return him the animal on his entering into a recognizance to prosecute, and guaranteeing the horse to be forthcoming when wanted.

Constables should not, except where necessary, search prisoners until they take them to the gaol or lock-up, and the search should always be made in the presence of a third party. Constables have no right to take and retain from a prisoner any valuable articles not connected with the crime he is charged with, which he may have about him, unless they are such as would endanger his safe keeping if left with him.

HOMICIDE BY CONSTABLES.

Justifiable in the following cases :

When the officer (or any person assisting him) in the due execution of his duty, kills one who is resisting his arrest or attempt at arrest.

When the prisoner in gaol or going to gaol, assault the gaoler or officer, and he in his defence, to prevent his escape kills any of them.

When an officer legally attempts to arrest a person for felony, or for inflicting a dangerous wound, and such person flies and is killed in the pursuit.

When an officer in attempting to disperse a riot or rebellious assembly, kills one or more of the rioters, not being able otherwise to suppress the riot.

CONFESSIONS.

The rule is that the confessions of prisoners, in order to be admissible against them, must be free and voluntary.

A constable while in charge of a prisoner should allow him full liberty to act and judge for himself, and should not endeavor to *extort* a confession, but if the prisoner chooses to say anything it is the constable's duty to hear what he has to say and take note of same.

What is said by the prisoner in talking over the crime committed is evidence against him. What the accused has been overheard muttering to himself, or saying to any other person in confidence, is good evidence against him.

TAKING PRISONERS TO GAOL.

Where constables take prisoners to gaol under a warrant of commitment they must of course leave with the gaoler the warrant of commitment, but they must receive a receipt for the prisoner in the following form :

GAOLER'S RECEIPT TO CONSTABLE.

I hereby certify, that I have received from Constable of the
county of the bod of together with a warrant under
the hand and seal of Esq., one of Her Majesty's Justices of the
Peace for the said county of and that the said was (sober, or
as case may be) at the time was delivered into my custody.

Keeper of the Common Gaol of the said county.

WARRANTS OF DISTRESS.

A constable is the proper officer to execute and is bound to execute and return a warrant of distress delivered to him a reasonable time before the day appointed for the return of same, and is indictable for refusal or willful neglect.

Where there are no goods found, or not enough to levy the full amount, he shall make the following return on the back of warrant :

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, constable of the county of hereby certify to
Esq., one of her Majesty's Justices of the Peace for the county of
that by virtue of this warrant I have made diligent search for the goods and
chattels of the within-mentioned and that I can find no sufficient goods
or chattels of the said whereon to levy the sums within-mentioned.
Witness my hand this day of one thousand eight hundred and

Constable. [Seal].

The remarks regarding the execution, &c., of other warrants apply to warrants of distress, and same can also be backed in another county.

When demanded a constable should exhibit his warrant.

By 32 and 33 Vic. Chap. 31. 183, where the defendant pays, or tenders to the constable having a warrant of distress against him, the sum or sums mentioned in same, and also the expenses of the distress up to the time of payment, the constable must receive same and cease to execute the warrant, and in cases where the defendant is not sentenced to imprisonment, as well as fined, the constable shall discharge him if in custody on receiving payment as aforesaid. Where the imprisonment is to be "unless fine and costs be sooner paid," then constable can receive payment and discharge prisoner.

Constables should not take a portion on account of any distress, and must not levy for an amount less than that mentioned in the warrant.

A Constable should not break into a man's house to execute a distress warrant, but he can enter where he finds the door not locked. He should, however, knock as he enters to give the inmates notice.

Once having legally entered he can break open inner doors, etc., if necessary, and also break all outer doors to get out if he has been locked in.

A Constable should not distrain more than he thinks will sell for sufficient to cover the amounts required, but in case through a mistake in value the articles do not sell for sufficient to cover the amount the Constable can again distrain.

The Justice mentions in the distress warrants the time when the

goods are to be sold, if not redeemed before, generally from five to eight days after seizure.

EXEMPTION FROM SEIZURE.

Bed, bedding and bedsteads in ordinary use. The necessary and ordinary wearing apparel, one stove and pipes, one crane and its appendages, one pair of andirons, one set of cooking utensils, one pair of tongs and shovel, one table, six chairs, six knives, six forks, six plates, six tea cups, six saucers, one sugar basin, one milk jug, one tea pot, six spoons, all spinning wheels and weaving looms in domestic use, ten volumes of books, one axe, one saw, one gun, six traps, and fishing nets and seines in common use, all necessary fuel, meat, fish, flour, and vegetables actually provided for family use and not more than sufficient for debtor and his family for thirty days and not exceeding in value \$40, one cow, four sheep, two hogs and food therefor for thirty days, tools and implements or chattels ordinarily used in the debtor's occupation to value \$60; bees reared and kept in hives to the extent of fifteen hives.

The debtor or his widow or family, or in the case of infants, their guardian may select out of any larger number the several chattels exempt as above. See Rev. Statutes Ont., Chap. 66, page 800.

The sale should be cash only, as if the Constable gives credit he becomes liable to the amount of such credit.

Where a warrant is executed and the amount required made, the Constable should keep the warrant in his possession.

After seizure the Constable makes two lists of the chattels seized, keeping one himself and handing the other to the defendant, the chattels may then be removed and the officer should only remain long enough to complete the removal.

Before sale the chattels must be valued by one or more competent valuers.

A printed advertisement of the sale is really not necessary, but three or four written lists of the chattels, with the time and place of sale should be posted in conspicuous places after the seizure is made.

After the sale two lists of the articles should be made, with the amount each sold for, the costs of distress, etc., and the payments of

money made, and one of same, together with overplus, if any, should be handed to the defendant, and the other retained by the Constable.

Of course the Constable acts as his own auctioneer. If the defendant consents, in writing, the sale may be by private sale.

COSTS OF DISTRESS.

Serving distress warrant and returning same	\$1 50
Advertising under distress warrant	1 00
Travelling to make distress or to search for goods, to make distress when no goods are found (per mile)	10

Appraisements, whether by one appraiser or more, *two cents* on the dollar on the value of the goods.

Catalogue sale and commission and delivery of goods, *five cents* on the dollar on the net produce of the goods.

SALES BY CONSTABLES.

No Bailiff or Constable shall directly or indirectly purchase any goods or chattels, lands or tenements by him exposed to sale under execution.

If any Bailiff or Constable entrusted with the execution of any writ, warrant, process, mesne or final, wilfully misconducts himself in the execution of the same, or wilfully makes any false return to such writ, warrant or process, unless by the consent of the party in whose favor the process may have issued, he shall be guilty of a misdemeanor, and upon conviction thereof before any Court of competent Jurisdiction, shall be liable to fine and imprisonment in the discretion of the Court, and shall answer to damages to any party aggrieved by such misconduct or false return. Rev. Statutes Ont., Chap. 16, pages 217, 218.

DIRECTIONS TO COUNTY CONSTABLES RESPECTING ACCOUNTS.

1. Constables accounts *must* be rendered to the Clerk of the Peace quarterly, on the 1st days of *January, April, July and October*, and must be drawn up properly or they will be deferred by the audit board for correction.

2. All Constables' fees in connection with cases which have been sent or bailed for trial by the Justice to a higher Court are payable by the Government, and must be rendered in duplicate.

3. Accounts in connection with insanity and vagrancy cases, and in cases dismissed by the Justice are payable by the county, and only one copy is required.

4. Fees in connection with executing a search warrant are payable by the county, and only one copy of the account is required.

5. The nature of the offences charged, and what was done with the prisoner must be stated in the account.

6. Where mileage is charged, the places from and to must be mentioned in the account.

7. For going to make service or arrest, and returning, only ten cents per mile, one way is allowed.

8. The receipts of the parties furnishing necessary expenses to a prisoner in custody, should be annexed to the Constable's account.

9. Where a Constable has two or more cases to make services or arrests in, at the end of a journey taken to effect same, he is entitled to only one mileage, which should be divided amongst the cases.

10. Proper dates must be given in the accounts opposite each charge.

11. All accounts must be sworn to before a Justice of the Peace.

12. Accounts must be certified to by the Justice under whom the Constable was acting.

13. A Constable pursuing a prisoner into another county under a warrant properly backed, is entitled to same fees as he would be in his own county.

14. A Constable is not entitled to any fees for pursuing a prisoner outside of the Province, except when he is acting under command of Government.

15. Assistant Constables must render their own accounts in same manner as Constables, and the Justice must certify that the charges are correct, and the assistance was necessary.

FORM OF JUSTICES' CERTIFICATE ON GOVERNMENT ACCOUNTS.

16. I do hereby certify that the above (or within) services were performed by constable _____ under my directions, and that the prisoner was committed to gaol for trial (or bailed for trial) (and that assistance was necessary.)

J. P.

FORM OF JUSTICES' CERTIFICATE ON COUNTY ACCOUNT.

17. I do hereby certify that the above (or within) services were performed by Constable under my directions, and that assistance was necessary,

J. P.

18. Blank forms for constables' accounts will be furnished by the Clerk of the Peace on application.

TARIFF OF FEES.

To be taken by County Constables, established by Chapter 84 of the Revised Statutes of Ontario, Vol. 1., page 898.

1. Arrest of each individual upon a warrant.....	\$ 1 50
2. Serving summons or subpoena.....	0 25
3. Mileage to serve summons, subpoena or warrant, (each mile travelled to make service).....	0 10
4. Mileage when service cannot be effected, upon proof of due diligence.....	0 10
5. Mileage, taking prisoner to gaol, exclusive of disbursements necessarily expended in his conveyance.....	0 10
6. Attending Justices on summary trials, or on examination of prisoners charged with crime for each day necessarily employed in one or more cases, when not engaged more than four hours.....	1 00
7. Attending when engaged more than four hours.....	1 50
8. Attending Assizes or Sessions each day.....	1 50
9. Mileage, travelling to attend Assizes or Sessions, or before Justices (when public conveyance can be taken only) reasonable disbursements to be allowed.....	
10. Summoning Jury for Coroner's Inquest, including attending at inquest, and all services in respect thereof, if held on same day as Jury summoned.....	2 00
11. Attending each adjournment thereof, if not engaged more than four hours.....	1 00
12. Attending each adjournment if engaged more than four hours....	1 50
13. Serving summons or subpoena to attend before Coroner, (subject to No. 10 above).....	0 25
14. Mileage serving same.....	0 10
15. Exhuming body under Coroner's warrant.....	2 00
16. Reburying same.....	2 00
17. Serving distress warrant and returning same.....	1 50
18. Advertising under distress warrant.....	1 00
19. Travelling to make distress, or to search for goods to make distress, when no goods are found, (per mile).....	0 10
20. Appraisements, whether by one Appraiser or more, two cents in the dollar on the value of goods.....	
21. Catalogue sale and commission, and delivery of goods, five cents in the dollar on the net produce of the goods.....	
22. Executing search warrant.....	1 50
23. Serving notices on Constables, when personally served.....	0 50

CORONER'S CONSTABLES.

Constable's accounts in connection with inquests shall be made out in duplicate.

These accounts must be made out separate from other accounts.

The Coroner must certify on each account that the services mentioned in same were performed.

FORM OF CORONER'S CERTIFICATE.

I do hereby certify that the above (or within) services were performed by constable _____ under my directions.

Coroner.

Summoning Jury for Coroner's Inquest including attending at inquest and all services in respect thereof, if held on the same day as Jury summoned.....	\$2 00
Attending each adjournment thereof, if not engaged more than 4 hours	1 00
Do. if engaged more than four hours.....	1 50
Serving summons or subpoena to attend before Coroner.....	0 25
Mileage serving same	0 10
Exhuming body under Coroner's warrant, payable by county.....	2 00
Reburying same, payable by county.	2 00

CHAPTER VI.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

(Rev. Stat. Ont., page 376.)

The municipality's clerks shall be division registrars.

Every clergyman, teacher, minister or other person authorized by law to baptize, marry or perform the funeral service in Ontario, shall keep a registry showing the persons whom he has baptized or married, or who have died within his parish and belonging to his congregation.

The father of any child born in this province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if none such there be, then the occupier of the house or tenement in which to his knowledge such child was born, or the nurse present at the birth, shall within thirty days from the date of such birth give notice thereof to the Division Registrar.

Every clergyman, minister or other person authorized by law to celebrate marriages shall report each and every marriage he celebrates to the Registrar of the division within which such marriage is celebrated within ninety days from the date of such marriage, and he shall be furnished by the Division Registrar with the blank forms required.

The occupier of the house or tenement in which a death takes place, or if the occupier be the person who has died, then some one of the persons residing in the house in which the death took place, or if such death has not taken place within a house then any person present at the death, or having any knowledge of the circumstance attending the same, or the Coroner who attended any inquest held on such person shall, before the interment of the body, report to the Division Registrar the particulars of such death.

Every Division Registrar shall, immediately upon registering any death without fee or reward, deliver to any person requiring the same for the purpose of burial, a certificate that such death has been duly registered.

Every minister or other person who buries or performs any funeral or religious service for the burial of any dead body unless he has received a certificate that such death has been duly registered, shall make a return of such death within seven days after such burial.

Every duly qualified medical practitioner who was last in attendance during the last illness of any person, shall, within ten days after having notice or knowledge of the death of such person transmit to the Division Registrar a certificate, under his signature, of the cause of death, and it is the duty of every medical practitioner to apply to the Division Registrar for forms for that purpose.

MECHANICS' LIENS.

(Rev. Stat. Ont., Chap. 120, page 1134.)

Unless there is an express agreement to the contrary every mechanic, machinist, builder, miner, laborer, contractor or other person doing work upon or furnishing material to be used in the construction, alteration or repair of any building or erection, or erecting, furnishing or placing machinery of any kind in, upon or in connection with any building, erection or mine shall, by virtue of being so employed or furnishing, have a lien or charge for the price of such work, machinery or materials, upon such building, erection or mines and the lands occupied thereby or enjoyed therewith and limited in amount to such sum as is justly due to the person entitled to such lien.

A statement of claim (Form 1) may be filed in the Registry office in the county in which such land is, before or during the progress of the work aforesaid, or within thirty days from the completion thereof, or from the supply or placing of the machinery aforesaid.

Such statement shall be verified by the affidavit of the claimant, sworn to before a commissioner in the county, and shall state,

(a) The name and residence of the claimant and of the owner of the property to be charged, and of the persons for whom and upon whose credit the work is done or materials or machinery furnished, and the time or period within which the same was, or was to be done or furnished.

(b) The work done or materials or machinery furnished.

(c) The sum claimed as due, or to become due.

(d) The description of the land to be charged.

The Registrar upon payment of the fee of one dollar shall register such claim; and such lien shall be discharged by the Registrar on his receiving a certificate to that effect from the person entitled to said lien.

The right of a lien holder may be assigned by any instrument in writing.

A registered lien is no good after the ninety days from the time of the completion of the work, or the furnishing of the materials or machinery, or the expiry of the period of credit, unless in the meantime proceedings are instituted to collect the claim and a certificate thereof granted by the Judge or Court has been registered.

During the continuance of any lien, no portion of the property affected thereby, or the machinery therein, shall be removed to the prejudice of such lien.

Whenever any mechanic, artisan, machinist, builder, miner, contractor, or other person, has furnished or procured any material for, use in the construction, alteration or repair of any building erection or mine, at the request of and for some other person, such materials shall not be subject to execution or other process to enforce any debt, other than for the purchase thereof, due by the person furnishing or procuring such materials, and whether the same have or have not been in whole or in part, worked into or made part of such building or erection.

FORM No. 1.

STATEMENT OF CLAIM.

of under "The Mechanics' Lien Act" claims a
lien upon the estate or interest of of in respect of the
following work (or material) that is to say, (here set out work or material)
which work was (or is to be) done (or materials were furnished) for the said
on or before the day of . The amount
claimed as due, or to become due, is the sum of dollars. The
description of the land to be charged is the following:
(Description of land.)

Dated at , this day of A. D. 188 .
Rev. Stat. Ont., page 1139, Vic. 36, Chap. 27.

ACT RESPECTING MILLS.

(Rev. Stat. Ont. Chap. 113, page 1103.)

No owner or occupier of a mill, nor any person employed by him, shall demand or take as toll a greater proportion of any grain brought to him to be ground and bolted than one-twelfth part thereof, for grinding and bolting the same, under a penalty of forty dollars for every such offence; one-half thereof to be paid to Her Majesty and the other half to any person who sues for the same in any Court of Record.

No owner or occupier of a mill shall be bound to receive or be chargeable, with the loss of any bag of grain or flour, unless such bag is marked with the initial letters of the Christian name and surname of the owner of the grain, or with some mark distinguishing the bag, which mark of distinction shall be previously communicated and made known to the owner or occupier of the mill, or his servant attending the same.

AN ACT RESPECTING LINE FENCES.

2. Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence, they shall so make, keep up and repair the same proportion, which is to mark such boundary; and owners of unoccupied lands which adjoin occupied lands, shall, upon their being occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. 37 V. c. 25, s. 2.

3. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted:

1. Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three Fence-viewers of the locality to arbitrate in the premises.

2. Such owners so notifying shall also notify (Form 2) the Fence-viewers, not less than one week before their services are required.

3. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat; or in case of such lands being untenanted, by leaving such notice with any agent of such owner.

4. The owners notified may, within the week, object to any or all of the Fence-viewers notified, and in case of disagreement, the Judge hereinafter mentioned shall name the Fence-viewers who are to arbitrate. 37 V. c. 25, s. 3.

4. An occupant, not the owner of land notified in the manner above-mentioned, shall immediately notify the owner; and if he neglects so to do, shall be liable for all damages caused to the owner by such neglect. 37 V. c. 25, s. 9.

5. The Fence-viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorised to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation as in Courts of Law. 37 V. c. 25, s. 4.

6. The Fence-viewers shall make an award (Form 3) in writing signed by any two of the them, respecting the matters so in dispute; which award shall specify the locality, quality, description and the lowest price of the fence it orders to be made, and the time within which the work shall done, and shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs.

2. In making such award, the Fence-viewers shall regard the nature of the fences in-use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally the suitability of the fence ordered to the wants of each party.

3. Where, from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the said fence upon the line between the parties, it shall be lawful for the Fence-viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it seems to be most convenient; but such location shall not in any way affect the title to the land.

4. If necessary, the Fence-viewers may employ a Provincial Land Surveyor, and have the locality described by metes and bounds. 37 V., c. 25, s. 5.

7. The award shall be deposited in the office of the Clerk of the Council of the municipality in which the lands are situate, and shall be an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents; and notice of its being made shall be given to all parties interested. 37 V., c. 25, s. 6.

8. The award may be enforced as follows:—The person desiring to enforce it shall serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of such notice, the person so desiring to enforce it may do the work which the award directs, and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality; but the Judge of such Division Court may, on application of either party, extend the time for making such fence to such time as he may think just. 37. V. c. 25, s. 7.

9. The award shall constitute a lien and charge upon the lands respecting which it is made, when it is registered in the Registry Office of the county, or other Registration Division in which the lands are

2. Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of "*The Registry Act.*" 37 V. c. 25. s. 8.

10. The Fence-viewers shall be entitled to receive two dollars each for every day's work under this Act. Provincial Land Surveyors and witnesses shall be entitled to the same compensation as if they were subpoenaed in any Division Court. 37 V. c. 25, s. 10.

11. Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the county in which the lands are situate, and the proceedings on such appeal shall be as follows:

1. The appellant shall serve upon the Fence-viewers, and all parties interested, a notice in writing of his intention to appeal within one week from the time he has been notified of the award; which notice may be served as other notices mentioned in this Act.

2. The appellant shall also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land lies

and the Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said Clerk as will be a sufficient indemnity against costs of the appeal.

3. The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the Fence-viewers and all the parties interested, in the manner hereinbefore provided for the service of other notices under this Act.

4. The Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath, and, if he so pleases, may inspect the premises; and may order payment of costs by either party, and fix the amount of such costs.

5. His decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

6. The practice and proceedings on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the Division Court. 37 V. c. 25, s. 11; 40 V. c. 7; *Sched. A.* (202); 40 V. c. 8, s. 58.

12. Any agreement in writing (Form 4) between owners respecting such line fence may be filed or registered and enforced as if it was an award of Fence-viewers. 37 V. c. 25, s. 12.

13. The owner of whole or part of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence.

(a) Without at least six months previous notice of his intention to the owner or occupier of such adjacent enclosure:

(b) Nor unless such last-mentioned owner or occupier after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum, to be determined as provided in the sixth section of this Act:

(c) Nor if any such owner or occupier will pay to the owner of such fence or of any part thereof, such sum as the Fence-viewers may

award to be paid therefor under the sixth section of this Act. 40 V. c. 29, s. 1.

2. The provisions of this Act relating to the mode of determining disputes between the owners of occupied adjoining lands; the manner of enforcing awards and appeals therefrom; and the schedules of forms attached hereto, and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. 40 V. c. 29, s. 2.

14. If any tree is thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, to repair the fence, and otherwise to make good any damage caused by the falling of such tree.

2. On his neglect or refusal so to do for forty-eight hours after notice in writing to remove the same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree from the party liable to pay it under this Act.

3. For the purpose of such removal the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing.

4. All disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three Fence-viewers of the Municipality, two of whom shall agree. 29, 30 V. c. 51, s. 355 (28).

15. The forms in the Schedule hereto are to guide the parties, being varied according to circumstances. 37 V. c. 25, s. 13.

SCHEDULE OF FORMS.

FORM NO. 1.

(Section 3.)

NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. , Mr. , and Mr. , three fence-viewers of this locality, will attend on the day , 18 , at the hour of , to view and arbitrate upon the line fence in dispute between our properties, being lots (or parts of lots) one and two in the concession of the township of , in the county of .

A. B., Owner of Lot 1.

To O. D., Owner of Lot 2.

FORM NO. 2.

(Section 3.)

NOTICE TO FENCE-VIEWERS.

Take notice, that I require you to attend at on the day of , A. D. 18 , at o'clock A. M., to view and arbitrate on the line fence between my property and that of Mr. , being lots (or parts of lots) Nos. one and two in the concession of the township of in the county of .

Dated this day of , 18 ,

A. B., Owner of Lot 1.

FORM NO. 3.

(Section 6.)

AWARD.

We, fence-viewers of (name of the locality), having been nominated to view and arbitrate upon the line fence between by (name and description of owner who notified) and (name and description of owner notified) which fence is to be made and maintained between (describe properties), and having examined the premises and duly acted according to "The Lines Fences Act," do award as follows: That part of the said line which commences at and ends at (describe the points) shall be fenced, and the fence maintained by the said , and that part thereof which commence at and ends at (describe the points) shall be fenced, and the fence maintained by the said . The fence shall be of the following description (state the kind of fence, height, material, &c.), and shall cost at least per rod. The work shall be commenced within days, and complete within days from this date, and the costs shall be paid by (state by whom paid: if by both, in what proportion).

Dated this day of , A. D. 18

(Signatures of Fence-Viewers.)

FORM NO. 4.

(Section 12.)

AGREEMENT.

We and , owners respectively of lots (or parts of lots) one and two in the concession of the township of , in the county of , do agree that the line fence which divides our said properties shall be made and maintained by us as follows; follow the same form as Award.

Dated this day of , A. D. 18 .

(Signatures of parties.)

ESTRAY ANIMALS.

(Rev. Stat. Ont., Chap. 196, page 1986.)

By section six if a horse, bull, ox, cow sheep, goat, pig, or other cattle is distrained by a resident for straying within his premises, such person may, instead of delivering the animal to a pound-keeper, retain the animal in his own possession, provided he make claim for damages done by the animal and duly gives the notices hereinafter required.

7. If the owner is known to him, he shall forthwith give to the owner notice in writing of having taken up the animal.

8. If the owner is unknown to the person taking up and retaining possession of the animal, such person shall, within forty-eight hours, deliver to the clerk of the municipality a notice in writing of having taken up the animal, and containing a description of the color, age and natural and artificial marks of the animal as near as may be.

9. The clerk, on receiving such notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post the notice he receives, or copy thereof, in some conspicuous place on or near the door of his office, and continue the same so for at least one week, unless the animal is sooner claimed by the owner.

10. If the animal or any number of animals taken up at the same time is or are of the value of ten dollars or more, the person distraining shall cause a copy of the notice to be published in a newspaper in the county once a week for three successive weeks.

12. If the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is taken up.

13. The notices of sale may be written or printed and shall be posted up for three clear successive days in three public places in the municipality, and shall mention the time and place at which the animal will be publicly sold if not sooner redeemed by the owner or some one on his behalf.

14. Every person who confines, or causes to be confined, any animal in any enclosed place, shall daily furnish the animal with good and sufficient food, water and shelter during the whole time that such animal continues confined.

15. Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance on the premises.

18. In case it is by affidavit proved before a Justice of the Peace, to his satisfaction, that all the proper notices had been duly affixed and published in the manner and for the respective times above prescribed, then if the owner or some one for him does not within the time specified in the notices or before the sale of the animal redeem the same, the person who took up and retained the animal in his own possession may get any pound-keeper of the municipality to sell to the highest bidder at the time and place mentioned in the aforesaid notices, who shall with the money thus made pay for the value of the food and nourishment, loss of time, trouble and attendance supplied, and the expenses of confining the animal, and of the sale and attending the same, and shall return the surplus (if any) to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer of and for the use of the municipality.

22. In case any person who confines, or causes to be confined, any animal as aforesaid, refuses or neglects to find, provide and supply the animal with good and sufficient food, water and shelter as aforesaid, he shall for every day during which he so refuses or neglects, forfeit a sum not less than one dollar nor more than four dollars.

24. Every fine and penalty imposed by this act may be recovered with costs before any Justice of the Peace for the county or municipality in which the offence was committed, and in default of payment the Justice may imprison the offender in any common gaol, house of correction or lock-up house of such county for not over fourteen days, unless the fine, penalty and costs, including costs of committal are sooner paid, one-half of such fine going to the municipality and the other half, with full costs, to the prosecutor or to such other person as to the Justice seems proper.

For Pounds see chap. 3, "Pounds" or Rev. Stat., Ont. 195, p. 1934.

LEASES AND RENTS.

Leases for over three years must be in writing and under seal.

Leases for seven years or over required to be registered.

It is advisable that all leases, no matter how short, be in writing.

Two copies should be made of a lease and one retained by either party.

Everything agreed on should be mentioned in the lease.

Rent is due on the morning of the day appointed for payment, but is not in arrear until after midnight.

Demand of rent should be made at such time before sunset as to allow sufficient light to count the money, and demand should also be made just at sunset to enable the landlord to take advantage of a condition of re-entry.

Unless otherwise agreed, rent is to be paid on the land, as that is the legal place of demand. Where the lease is for a time certain and the rent is to be paid at stated periods without any exception in case of fire the lessee is bound to pay the rent even if the house burns down, as the land remains, and the contrary should be mentioned in the lease if desired.

Where no time is mentioned as to the payment of the rent, it is not due until the end of the term.

In case a lease is made at a yearly rental of so much per year, and no time of payment mentioned, the rent is not due until the end of the year.

If rent is intended to be made payable from time to time in advance, such intention should be clearly expressed.

A tenant remains liable for rent unless he delivers up complete possession of the premises or the landlord accepts another in his stead.

So long as rent is in arrear for not more than six years the landlord has the right and power to distrain for it.

Nothing but payment, or something equal to payment as a tender of the amount due on a lease under seal will be sufficient to take away such power.

Taking a security for rent as a bond bill, or note, will not take away the right to distrain. It would be otherwise where the bill or note is discounted on the security of the tenant and the rent paid out of the proceeds.

An agreement to take interest on the rent in arrear does not take away the landlord's right to distrain.

A distress cannot lawfully be made after the full amount of rent really due has been tendered to the landlord or his agent having authority to receive same.

The tender must be unconditionally but a tender "under protest" is good, as those words imply no condition.

Where a tenant holds on sufferance only, as when there is no agreed rent or actual tenancy a distress cannot lawfully be made, the remedy being by action.

The mode of distraining, &c., given in the section on "Warrants of Distress," Chap. V., page 122, apply also to the execution of landlord's warrants.

Except as hereinafter-mentioned, all cattle, goods and chattels which are found upon the premises may be distrained for rent whether they belong to the tenant or a stranger.

The property to be seized must be upon the premises, except in the case of a fraudulent removal.

The property should not be seized when in such a situation that the attempt to seize it might lead to a breach of the peace, as in case of a horse while a person is actually riding it, or clothes being worn by a person at the time.

A landlord is not liable for any illegal acts committed by his bailiff in executing a warrant of distress which are not authorised by such warrant. If when he knows the circumstances he disclaims and repudiates them, but he is responsible for any irregularity by his bailiff in dealing with the distress as for selling without due notice or appraisement.

Things annexed to the freehold, such as buildings and fixtures constitute for the time being part of the freehold and are absolutely exempt from distress, although there are no other goods on the premises.

Things delivered to a person exercising a public trade, to be carried, wrought, worked up or managed in the way of his trade or employ, are absolutely exempt from distress, although there are no other goods on the premises.

The cattle and goods of guests at an inn, so long as they remain on the premises are exempt from a distress for rent due from the inn-keeper.

Only six years of rent can be recovered by distress.

Distress must be made in the daytime, and except in the case of fraudulent removals must be made on the land where the rent issues and not elsewhere.

A distress may be made either by the landlord himself or, as is now the usual practice, by his authorized agent or bailiff.

A person under age cannot be a bailiff.

Where a bailiff distrains he should properly have a warrant or authority in writing from his employer, which is commonly called a warrant of distress, but an agent may distrain without any express previous authority. The assent of the person in whose rights the distress was made, afterwards obtained will be equivalent to a previous command.

A distress should not be made for more rent than is actually owing.

After a seizure has been made a list of the goods distrained and of the charges of distress should be made and a copy given to the tenant, or left on the premises with some person, or at the most conspicuous place, if there is no one present with a notice at the bottom of same of the fact of the distress having been made, the place where the goods are to be removed to and the time when the rent and charges must be paid.

When the distress has been made it is advisable to remove the goods immediately.

In many cases the tenant for his own convenience requests the landlord or bailiff to allow the goods to be left on the premises, in which case some person should be left in possession under the written consent of the tenant to allow him to do so.

A second distress may be made where the first was not sufficient.

In case goods fraudulently removed from the premises for the purpose of avoiding seizure for rent the landlord may follow if within 30 days such removal and seize them wherever he finds them, provided they have not been sold in the mean time, *bona fide* and for valuable consideration to some person ignorant of such fraud as aforesaid.

USUAL FORM OF LANDLORD'S WARRANT.

To Mr. . . . my bailiff;

I hereby authorize and require you to distrain the goods and chattels (and also the cattle and growing crops, if upon a farm) in and upon the house and premises (or farm lands and premises, as the case may be) of . . . situate and being in the . . . of . . . in the county of . . . for \$. . . , being . . . months or years (as case may be) rent, due to me for the same on . . . the . . . day of . . . last, and to proceed thereon for the recovery of the said rent as the law directs. But you are hereby expressly prohibited from taking any property not legally liable to distress for rent

(The signature of the person entitled to receive the rent, or his authorized agent, must be given here as)

Dated the . . . day of . . . 18 . . . } A. B., by C. D., his agent.

NOTICE TO QUIT.

When the lease specifies the term or event upon which the tenancy is to end no notice to quit is necessary, as where the period is for one month or one year, or until a certain day.

In tenancies by the year six months' notice is necessary, ending at the end of one of the years.

A tenancy by the week or month requires a week's or month's notice to quit.

The notice should be in writing, should be clear and certain in in wording and may be served personally on the tenant or left at his dwelling house with his wife or servant.

CHAPTER 27.

AN ACT RESPECTING DITCHES AND WATERCOURSES.

[Assented to 1st February, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "The Ditches and Watercourses Act, 1883."

2. This Act shall not affect the Acts relating to Municipal or Government Drainage.

3. In case of owners of lands, whether immediately adjoining or not, which would be benefited by making a ditch or drain or by deepening or widening a ditch or drain already made in a natural watercourse, or by making, deepening or widening a ditch or drain for the purpose of taking off surplus water or in order to enable the

owners or occupiers thereof the better to cultivate or use the same, such several owners shall open and make, deepen or widen a just and fair proportion of such ditch or drain according to their several interests in the construction of the same; and such ditches or drains shall be kept and maintained so opened, deepened or widened by the said owners respectively and their successors in such ownership in such proportions as they have been so opened, deepened or widened, unless in consequence of altered circumstances the engineer hereinafter named otherwise direct, which he is hereby empowered to do upon application of any party interested, in the same form and manner as is hereinafter prescribed in respect of the original opening, deepening or widening; and in case the engineer finds no good reason for such application all costs caused thereby shall be borne by the applicant and shall be collected as in this Act provided.

4. Every Municipal Council shall, upon the passing of this Act, name and appoint by by-law an engineer to carry out the provisions of this Act, and such engineer shall be and continue an officer of such corporation until his appointment is repealed by by-law and another engineer appointed in his stead who shall have authority as well to take as to continue any proceeding already commenced under this Act.

5. In case of dispute between owners respecting such proportions any owner shall, before filing with the Clerk of the Municipality the requisition provided for in section six of this Act (Form C or to the like effect), serve upon the other owners or occupants of the lands to be affected a notice in writing signed by him (Form B or to the like effect) naming a day, hour and place convenient to said ditch or drain at which the parties are to meet, and, if possible, agree upon the respective portions of such ditch or drain to be made, deepened or widened by each of them, such notice to be served not less than six clear days before time of meeting; and in case at such meeting an agreement shall be come to between the parties, such agreement shall be reduced to writing (Form A or to the like effect), and shall be signed by all the parties, and shall, within four clear days from the signing thereof, be filed with the Clerk of the Municipality in which the land requiring such ditch or drain is situate, and such agreement may be enforced in like manner as an award of the engineer as hereinafter provided.

6. In case the parties at such meeting shall not agree, any owner may file with the Clerk of the Municipality in which the lands requiring such ditch or drain is situated a requisition (Form C or to the like effect) shortly describing the ditch or drain to be made, deepened or widened, and naming the lands which will be affected thereby and the owners respectively, and requesting that the engineer appointed by the Municipality for the purpose shall attend at the time and place named in the requisition, which shall not be less than six clear

days from the time of filing the same, and shall also at least four clear days before the time appointed therein serve upon all the persons named in such requisition a notice (Form D or to the like effect) requiring their attendance at the said time and place.

7. An occupant not the owner of land notified in the manner provided by this Act shall immediately notify the owner thereof, and shall, if he neglects to do so, be liable for all damages suffered by such owner by reason of such neglect.

8. The clerk shall, after receiving such requisition, forthwith notify the said engineer by registered letter enclosing a copy of the said requisition to him, and the engineer shall attend at the time and place named therein; shall examine the premises, and if he deem proper, or, if requested by any of the parties, shall hear evidence, and is hereby authorized to examine the parties and their witnesses on oath, and may administer an oath or affirmation as in courts of law and if he shall find the making, deepening, or widening of such ditch or drain necessary, he shall, within thirty days from the receipt of the requisition by him, make his award in writing (Form E or to the like effect) specifying clearly the locality, description and course of said ditch or drain, point of commencement and termination of same, the portion of said ditch or drain to be done by the respective parties and the time within which said work is to be done, the amount of his fees and other charges and by whom to be paid, and he shall have power to adjourn the said examination and may require the notification and attendance of other parties whom he deems in the said ditch or drain, such "other parties" to have at least four clear day's notice of time and place of attendance.

9. If it appears to the engineer that the owner or occupier of any tract of land is not sufficiently interested in the opening up of the ditch or drain to make him liable to perform any part thereof, and at the same time that it is necessary for the other parties that such ditch or drain should be continued across such tract, he may award the same to be done at the expense of such other parties, and after such award the said "other parties" may open the ditch or drain across the tract at their own expense without being trespassers; but causing no unnecessary damage and replacing any fences opened or removed by them.

10. The said engineer shall, when such award is made, file the same and any plan or profile of said work with the Clerk of the Municipality named in section six of this Act, and the award, plan and profile shall be official documents and may be given in evidence in any legal proceedings by certified copies as are other official documents, and the Clerk of the Municipality shall forthwith, upon the filing of said award, notify each of the persons affected thereby by registered letter or personal service of the filing of the same.

11. Any person dissatisfied with the award and affected thereby, may, within ten clear days from the filing thereof, appeal therefrom

to the Judge of the County Court of the County in which the lands, in respect to which the proceedings are initiated, are situate, and the proceedings on such appeal shall be as follows :

(1) The appellant shall serve upon the Clerk of the Municipality with whom the award is filed a notice in writing of his intention to appeal therefrom, shortly setting forth the grounds of appeal.

(2) The Clerk of said Municipality shall, after the expiration of the time for appeal, forward by registered letter or deliver a copy of such notice, or notices of appeal if there be more than one appeal, to the Clerk of the Division Court of the Division in which the land of the owner filing the requisition as provided in section six of this Act is situate, and such Division Court Clerk shall immediately notify the judge of said appeal, whereupon the judge shall appoint a time for the hearing thereof, and if he think fit, order such sum of money to be paid by the appellant or appellants to the said clerk as will be a sufficient indemnity against costs of the appeal.

(3) The judge shall order the time and place for hearing of appeals, and communicate the same to the Clerk of the Division Court who shall notify the engineer and all parties interested in the manner herein provided for the service of other notices under this Act.

(4) The judge shall hear and determine the appeal or appeals, and set aside, alter or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath, and, if he so pleases, inspect the premises, requiring the attendance with him of the Engineer, and may order payment of costs by the parties or any of them and fix the amount of such costs.

(5) The award as so altered or confirmed shall be certified by the Clerk of the Division Court to the Clerk of the Municipality, together with the costs, if any, allowed and by whom to be paid, and such award shall be enforced as the award of the engineer, and the time for the completion of the work thereunder shall be computed from the date of such judgment in appeal.

12. The municipality shall at the expiration of the time for appeal or after appeal, as the case may be, pay to the engineer his fees, and also pay to the person declared to be entitled to the same, any fees or costs awarded or adjudged to him, and shall, unless the same be forthwith repaid by the person awarded or adjudged to pay the same, place the amount upon the collector's roll as a charge against the lands of the person awarded or adjudged to pay the same, and the same shall thereupon become a charge upon such lands, and shall be collected as ordinary municipal taxes.

13. The engineer shall, at the expiration of the time limited by the award for the completion of the work, inspect the said ditch or drain, if required in writing so to do by any of the parties interested, and if he finds the said work or any portion thereof, not completed

in accordance with the award, he may let the same in sections as apportioned in the award to the lowest bidder therefor, taking such security for the performance thereof within the time to be limited, as he may deem necessary, but no such letting shall take place till after four clear days' notice in writing of such intended letting has been posted in at least three conspicuous places in the neighbourhood of the work, and notice thereof is sent by registered letter to such parties interested in said award as are non-resident in said municipality, but if the engineer is satisfied of the bona fides of the person doing the work, and there is good reason for the non-completion thereof, he may, in his discretion, extend such time.

14. The engineer shall upon receipt of notice in writing of the final completion of the work mentioned in the preceding section inspect the same within one week thereafter, and if approved of, and accepted by him, certify in writing the fact to the Clerk of the Municipality, giving a separate certificate for each portion or section of work let and completed (Form F or to the like effect), and stating the name in each certificate of the person who did the work, as well as the amount he is entitled to receive therefor, and also such extra fees as the engineer is entitled to, by reason of such letting and subsequent inspection and by whom the same are to be paid.

15. The Council shall at their meeting next after the filing of the certificate or certificates mentioned in the preceding section, pay to the engineer his additional fees therein mentioned, and shall, unless the amount or amounts named in the said certificate or certificates including such additional fees, is forthwith paid by the respective parties declared in said certificate or certificates to be liable to pay the same, cause the amount or amounts and fees to be added to the collector's roll, together with ten per cent. added thereto, and the same shall thereupon become a charge against the lands of the party or parties so liable, and shall be collected in the same manner as any other municipal taxes, and when collected shall be paid over to the party or parties entitled thereto.

16. All notices under the provisions of this Act shall be served personally, or by leaving the same at the place of abode of the owner or occupant, with a grown-up person residing thereat, and in case of non-residents, then upon the agent of the owner, or by registered letter addressed to said owner at the post office nearest to his last known place of abode.

17. Every Municipal Corporation shall have, and exercise all the rights and privileges of this Act, and may be made parties to the said agreement or award, and shall be considered as owner of the highway for the purposes of this Act, and shall in all respects be in the same position as an individual owner.

18. In case any person during or after the construction of the ditch or drain herein provided for, desires to avail himself of such ditch or

drain for the purpose of draining other lands than those contemplated by the original proceedings, he may avail himself of the provisions of this Act, as if he were or had been a party to such original proceedings; but no person shall make use of the ditch or drain constructed under the provisions of this Act, unless under agreement or award pursuant to its provisions as to the use of lands of others, as to the enlargement of the original ditch or drain so as to contain additional water therein, and as to the time for the completion of such enlargement.

19. Notwithstanding any of the lands through which the drain is required, are situate in a municipality adjoining the one in which the original proceedings were commenced, the engineer shall have full power and authority to continue such ditch or drain in and through so much of the lands in such adjoining municipality as may be found necessary, and all proceedings authorized under the provisions of this Act are to be had, taken, and carried on in the municipality where commenced; but in such case the Clerk of said municipality shall forward to the Clerk of such adjoining municipality a certified copy of the award, as made, confirmed, or altered, and shall also forward to him a certified copy of every certificate of the engineer which affects or relates to the lands in such adjoining municipality, and to the owners thereof; and such Municipal Council shall, unless the amounts are forthwith paid by the parties declared by said certificate liable to pay the same, have and take all proceedings for the collection of the sums so certified to be paid, as though all the proceedings had been taken and carried on in such adjoining municipality.

20. The fees to which the engineer shall be entitled under this Act shall be such as shall be fixed by by-law or resolution of the Council and in case no such fees are fixed by the Council the same shall be his legally authorized fees for similar work, or such less amount as may be agreed upon, and the fees to witnesses and for the service of papers authorized by the Division Court Clerk, shall be the same as those allowed to witnesses, and similar services in the Division Court,

21. The word "Engineer" in this Act shall mean civil engineer, land surveyor, or such person as any municipality by by-law may deem competent to perform the duties required under this Act.

22. Chapter one hundred and ninety-nine of the Revised Statutes of Ontario, chapter twelve of the Acts passed in the forty-first year of the reign of Her Majesty, and chapter thirty of the Acts passed in the forty-third year of the reign of her Majesty are hereby repealed; but all works commenced, and all proceedings had and taken thereunder may be continued to completion as though this Act had not been passed.

FORM A.

Whereas it is found necessary that a ditch or drain should be made (deepened, or widened) on lot No. _____ in the _____ concession of the Township of _____ and it is necessary to continue the same through lot number _____ in the _____ concession of the township of _____
(if more than one lot describe them).

Therefore we _____ owners of the land hereinafter described, do agree each with the other as follows :—

That I, _____ owner of _____ (describe lot) agree that I will make (deepen or widen) and maintain that part of such ditch or drain commencing at stake number one planted (describing the locality of said stake) and thence to stake number two, and that said portion of said ditch or drain shall be (describing depth and width) and I _____ owner of (giving the name of each person, the land owned by him, the portion of work assigned, its depth, width, etc.), and each of us agrees to have our said respective portions completed on or before the _____ day of _____ A.D. 18 _____

Witness.

Dated,

} (Signed by the Parties.)

FORM B.

Township of _____

To _____

Sir,—As the owner of lot number _____ in the _____ concession of the Township of _____

I require to construct a ditch or drain through said lot, and find it necessary to continue the same through your land, being lot number _____ in the _____ concession of the Township of _____ under the Ditches and Watercourses Act 1883, and request that you will attend at _____ on _____ the _____ day of _____ 18 _____ at the hour of _____ o'clock, in the _____ noon, with the object of agreeing, if possible, upon the respective portion of such ditch or drain to be made, deepened or widened by the several parties interested.

Dated this _____

day,

18 _____

Yours, &c.

FORM C.

To _____

Clerk of the Municipality of the _____

of _____

Sir,—As the owner of lot number _____ in the _____ concession of the Township of _____ I require to construct a ditch or drain through said lot and it will be necessary to continue the ditch or drain through the following lands on lot number _____ in the _____ concession of the Township of _____ owned by _____ Lot number _____ in the _____ concession of the township of _____ owned by _____

(describe each lot through which the ditch or drain must be continued, and the name of the owner of each parcel), and having failed to agree upon the respective portions to be made by each, I (or we) require the engineer appointed by the municipality for the purpose, to attend at the locality of said proposed ditch or drain on the day of 18 at the hour of o'clock in the noon, examine the premises, hear the parties and their witnesses, and make his award under the provisions of the Ditches and Watercourses Act, 1883.

Dated

(Signed by Party or Parties,)

FORM D.

To

Take notice that the engineer appointed by the municipality for the purpose will attend at lot number in the concession of on the day of A.D. 18 at the hour of o'clock in the noon, to examine the site of the proposed ditch or drain and make his award therein; and you as the owner of (describe the lot) which may be affected thereby, are requested to attend (with any witnesses you may desire to have heard) at said time and place.

Dated

Yours, &c.

FORM E.

I, the engineer appointed by the Municipality of the Township of in the County of under the provisions of the Ditches and Watercourses Act, 1883, having by the requisition of owner (or owners) of lot number in the concession of the Township of filed with the clerk of the said municipality, representing that he (or they) required a ditch or drain on said lot, and that it would be necessary to continue the ditch or drain through the following lands on lot number in the concession of the Township of owned by etc., did attend at the time and place named in said notice, and having examined the locality of said ditch or drain, and heard the parties and their witnesses (if any), find and award as follows:—

That lot number in the concession of the Township of would be benefited by, and requires a ditch or drain (or the deepening or widening of a ditch or drain, if already made), to enable the proper cultivation or use of the said land, and I find that said ditch or drain will require to be extended across the land of being lot number in the concession of and across the land of being lot number in the concession of the Township of (and so on, giving the name of each owner and lot to termination of said ditch or drain), and I award the making of said ditch or drain (or the deepening or widening as the case may be), as follows:—
shall commence at stake number one planted (describe with reasonable certainty where planted), and shall open up and maintain a ditch or drain (describe width and depth), to stake number two planted (describe where planted, distance and

direction from first stake), and said portion shall be made and completed within (name time within which to be completed). That shall commence at stake number two, above described, and shall open up and maintain a ditch or drain (describe width and depth) to stake number three planted (describe where planted, distance and direction from stake number two), and said portion shall be made and completed within (name time, etc.) That shall, etc., (and so on to the termination of said ditch or drain).

That my costs attendant upon the examination, and making of this award are paid as follows : (give the name of the persons to be charged therewith, and the portion to be borne by each).

Dated this

day of

A.D. 18

Witness,

} (Signature of Engineer.)

FORM F.

To

Clerk of the Township of

I hereby certify that has
completed certain work which under my award dated the
day of A.D. 18, one was
ordered and adjudged to perform and which the said
having failed to do was by me subsequently let to the said
for the sum of and the said
is entitled to be paid the said amount.

I further certify that my additional fees are
and that said amount and said fees are and that
said amount and said fees are chargeable on (describe property to be charged
therewith) and shall unless forthwith paid be added to the Collector's Roll
(with interest) as provided in the fifteenth section of the Act respecting Ditches
and Watercourses, 1883.

Dated this

day of

A.D. 18

Engineer for

ADDENDA.

AMENDMENTS TO ACTS QUOTED HEREIN BY STATUTES OF ONTARIO, 1884.

ELECTIONS.—*Corrupt and Illegal Practices at.* Amended Stat. Ont. 1884,
Chap. 4.

DRAINAGE ACT.—*Amended Stat. Ont. 1884, Chap. 8.*

CORONER'S INQUESTS.—*Act Amended. Stat. Ont. 1884, Chap. 12.*

MECHANICS' LIEN ACTS AMENDED.

(Ont. Stat. 1884, Chap. 18.)

1. Section 3 of Chapter 120 of the Revised Statutes of Ontario, known as "*The Mechanics Lien Act*," is hereby amended by striking out the words "unless there is an express agreement to the contrary," and substituting therefor the words "unless he signs an express agreement to the contrary;" and no agreement hereafter made shall be held to deprive anyone otherwise entitled to a lien under the said Act or the amendments thereof, and not a party to such agreement, of the benefit of such lien, but such lien shall attach, notwithstanding such agreement.

2. In addition to the particulars which by section 4 of the said "*The Mechanic's Lien Act*," are required to be stated in the verified statement of claim therein provided for, the date of expiry of the period of credit agreed to by the lien-holder for payment for his work, materials or machinery, where credit has been given, shall also be stated, and in the absence of such date in such verified statement the lien shall cease to exist after the expiration of 90 days after the work has been completed or materials or machinery furnished, unless in the meantime proceedings shall have been instituted pursuant to section 21 of the said Act.

3. The affidavit of verification referred to in said section 4, may be made by any agent or assignee of the person entitled to the lien, having full knowledge of the facts required to be verified, and such affidavit, when made by an agent, or assignee, shall state that he has such knowledge in addition to the facts required by said section to be stated.

4. That portion of section 5 of said Act which follows the word "described," in the fourth line thereof, is hereby repealed, and the provisions of sections 15 and 16 of "*The Mechanic's Lien Act, 1882*," shall apply to all liens now or hereafter to be registered under either of said Acts; and the said section 16 shall apply where there was a contract for the furnishing of materials or machinery, as well as where there was a contract for the execution of work, so as to charge the contractor for whom the work was done or materials or machinery furnished with the cost of registration of discharges, unless a court or judge otherwise orders.

5. Section 6 of "*The Mechanic's Lien Act*," is hereby amended by substituting the word "for" in place of the word "by," where the latter word last occurs in said section.

6. Section 15 of "*The Mechanics' Lien Act*" is hereby repealed and the following substituted therefor:—

15. Any number of lienholders may join in one suit and all suits brought by a lienholder shall be taken to be brought on behalf of all the lienholders of the same class who shall have registered their liens before or within thirty days after the commencement of such suit, or who shall within the said 30 days file in the office from which the writ issued a statement of their respective claims; and in the event of the death of the plaintiff therein, or his refusal or neglect to proceed therewith, may by leave of the court in which the suit is brought, on such terms as may be deemed just and reasonable, be prosecuted and continued by any other lienholder of the same class who shall have registered his lien or filed his claim in the manner and within the time above limited for that purpose.

7. Section 24 of "*The Mechanics' Lien Act*" is hereby amended by striking out the words "certificate of" in the said section.

8. Nothing in this Act contained shall in any way interfere with, affect or prejudice the priority of lien for wages to which any mechanic, labourer, or other person is entitled under "*The Mechanics' Lien Act, 1882*."

MUNICIPAL ACT AMENDED.

(Ont. Stat. 1884, Chap. 32.)

The Council of every City, Town and Incorporated Village may pass by-laws to regulate cleanliness of wharves, docks, etc., cleansing of wells, etc.; destroying tainted provisions, preventing nuisances, closing and filling up cesspools, etc.; regulating slaughter houses, gas works, distilleries, etc.; defining limits in which cows, pigs and other animals may be kept; regulating construction of cellars, privies, etc., or filling up, draining, etc., pounds, yards, vacant lots, etc., regulat-

ing sewerage, etc. ; for inspection of milk and provisions ; for regulating reports of contagious diseases, etc. ; ringing of bells, blowing of horns, and other unusual noises ; for regulating traffic on streets, width of tires, driving of cattle in streets, etc. ; regulating markets and sales therein ; regulating making of bread and inspection thereof ; regulating erection of buildings and fences, and material thereof, and the establishment of fire limits.

MASTER AND SERVANTS ACT AMENDED.

(Ont. Stat. 1884, Chap. 21.)

1. Proceedings may be taken under the *Revised Statute respecting Master and Servant*, within one month after the engagement or employment has ceased, or within one month after the last instalment of wages under the agreement of hiring has become due, whichever shall last happen ; and proceedings under section 12 may be had for non-payment of wages in respect of service or labour performed in Ontario upon a verbal agreement or bargain made out of Ontario.

HORSES AND OTHER DOMESTIC ANIMALS.—*Act to Prevent Spread of Diseases Among.* Ont. Stat. 1884, Chap. 41.

LINE FENCES' ACT.—*Amended Stat.* Ont. 1884, Chap. 42.

DITCHES AND WATERCOURSES ACT.—*Amended Stat.* Ont. 1884, Chap. 43.

LIQUOR LICENSE LAWS.—*Amended Stat.* Ont. 1884, Chap. 34.

TREES AND TREE PLANTING ACT.—*Amended Stat.* Ont. 1884, Chap. 36.

WEEDS NOXIOUS AND FRUIT TREE DISEASES, ACT TO PREVENT.—*Stat.* Ont. 1884, Chap. 37.

FACTORIES' PROTECTION TO PERSONS EMPLOYED IN.—*Stat.* Ont. 1884, Chap. 39.

PAWNBROKERS AND PAWNBROKING ACT.—*Amended Stat.* Ont. 1884, Chap. 23.

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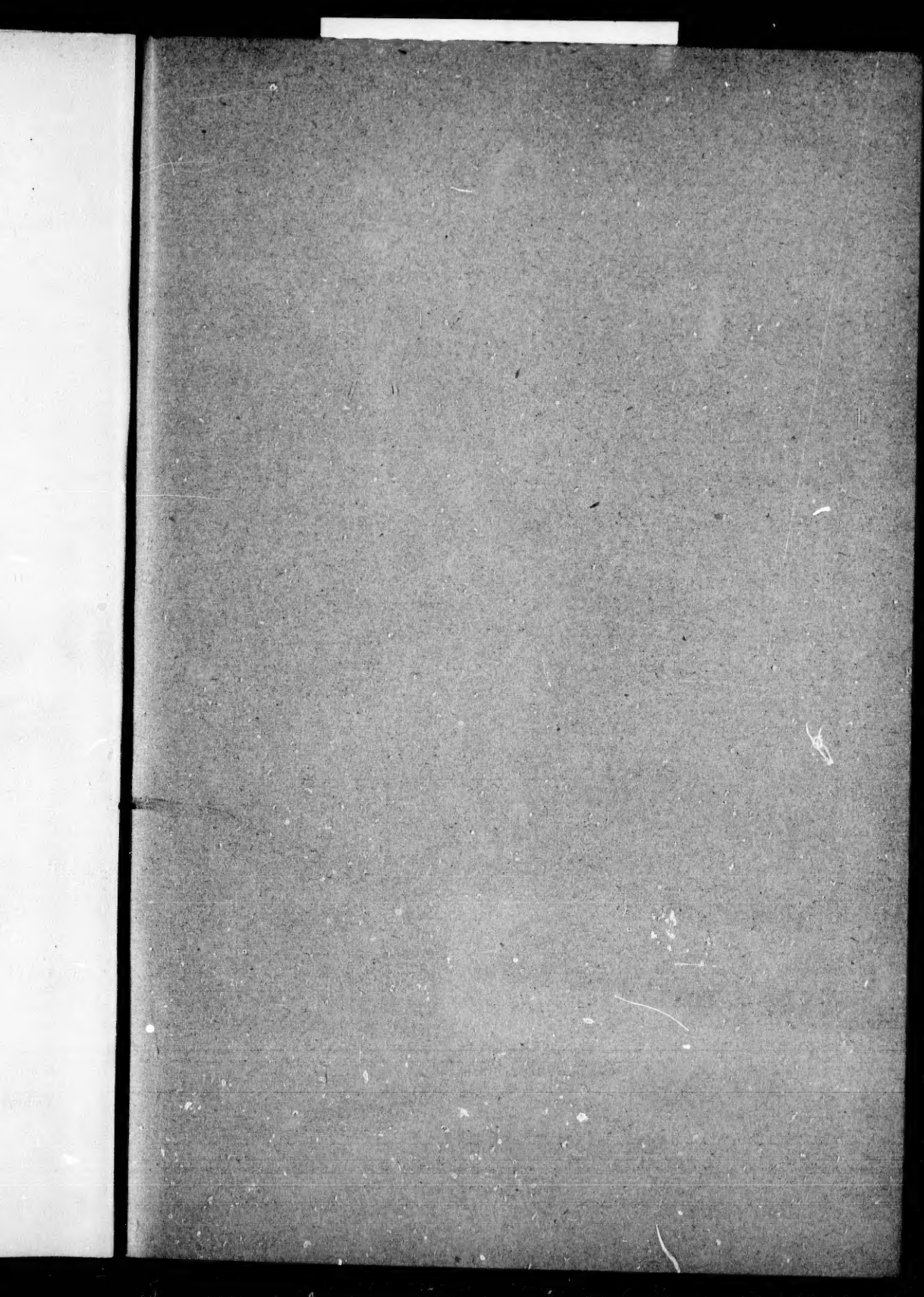
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